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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11651-11700.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 12, 1923.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11651. Adulteration of canned minced clams. U. S. v. 192 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16609. I. S. No. 14062-t. S. No. W-1152.)

On July 11, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 192 cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Strand Fisheries, from Aberdeen, Wash., May 25, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Royal Club Brand * * * Minced Clams."

Adulteration of the article was alleged in the libel for the reason that excessive water or clam juice had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for normal minced clams of good commercial quality.

On September 28, 1922, the Kelley-Clarke Co., Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11652. Misbranding of potatoes. U. S. v. Alvin H. Peinhardt (Cullman Truckers' Assoc.). Plea of guilty. Fine, \$25. (F. & D. No. 16964. I. S. No. 18131-t.)

On February 21, 1923, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alvin H. Peinhardt, trading as Cullman Truckers' Assoc., Cullman, Ala., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 28, 1922, from the State of Alabama into the State of Pennsylvania, of a quantity of sweet potatoes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 21, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11653. Adulteration and misbranding of cottonseed feed. U. S. v. 220 Sacks of Cottonseed Feed. Order entered permitting product to be released under bond. (F. & D. No. 17211. I. S. No. 1458-v. S. No. E-4297.)

On February 2, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 220 sacks of cottonseed feed, remaining unsold in the original unbroken packages at Culpeper, Va., alleging that the article had been shipped by the Southern Cotton Oil Co., from Goldsboro, N. C., on or about November 4, 1922, and transported from the State of North Carolina into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "101 Lbs. Gross 100 Lbs. Net Scoco Cottonseed Feed Guaranteed Analysis Protein 36% * * * Manufactured By The Southern Cotton Oil Co. Charlotte, N. C."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein (ammonia) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the said label, "Guaranteed Analysis Protein 36%," was false and misleading and deceived and misled the purchaser in that the quantity of protein contained in the said article was less than 36 per cent.

On March 5, 1923, R. W. Miller, Culpeper, Va., having appeared as claimant for the property, and it having appeared to the court that the allegations of the libel were admitted to be true and that the product was for the personal use of the claimant and not for sale, it was ordered by the court that the product be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11654. Adulteration of oranges. U. S. v. 22 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17393. I. S. No. 2648-v. S. No. E-4333.)

On March 23, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 boxes of oranges, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Ozona Citrus Growers Assoc., Sutherland, Fla., alleging that the article had been shipped from Sutherland, Fla., on or about March 6, 1923, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Brand * * * Sealdsweet * * * Ozona Citrus Growers Assn. Ozona, Florida."

Adulteration of the article was alleged in the libel for the reason that inedible tree-dried oranges had been substituted in whole or in part for edible juicy oranges, which the product purported to be.

On March 29, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11655. Adulteration and misbranding of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17578. I. S. No. 4232-v. S. No. C-4057.)

On June 26, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 tubs of butter, remaining unsold in the original tubs at Chicago, Ill., alleging that the article had been shipped by the Montello Buffalo Shield Creamery Co., from Montello, Wis., June 11, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so

as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 30, 1923, T. F. Gallagher, trading as Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department and that the tubs be marked with the net contents thereof.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11656. Adulteration of oranges. U. S. v. 500 Bushels of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17580. I. S. Nos. 3498-v, 3499-v. S. No. E-4421.)

On June 27, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 bushels of oranges at Atlanta, Ga., alleging that the article had been shipped by G. J. Anderson [E. K. Anderson], from Florence Villa, Fla., on or about June 25, 1923, and transported from the State of Florida into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, decomposed oranges and tree-dried oranges, which were inedible and unmerchantable, had been mixed with the article so as to reduce, lower, and injuriously affect its quality, for the further reason that inedible, dry, and unmerchantable oranges had been substituted in part for edible, juicy, and merchantable oranges, and for the further reason that the said article consisted in part of a decomposed vegetable substance, to wit, rotten oranges, tree-dried oranges, and inedible oranges.

On June 28, 1923, W. F. Allen, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that the claimant separate all the inedible, dry, or rotten oranges from the product and that they be not disposed of in violation of the law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11657. Adulteration of butter. U. S. v. 33 Tubs of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 17589. I. S. No. 1858-v. S. No. E-4424.)

On July 2, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 33 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Lebanon Creamery Co., Lebanon, Mo., on or about June 1, 1923, and transported from the State of Missouri into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that a substance, to wit, a product deficient in milk fat and high in moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

On July 6, 1923, H. P. Belknap, trading as George A. Fales Co., Boston, Mass., having entered an appearance as claimant for the property and having

filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11658. Adulteration of butter. U. S. v. 66 Tubs and 15 Tubs of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 17590. I. S. Nos. 1883-v, 1884-v. S. No. E-4425.)

On July 2, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 81 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the North Montpelier [Cooperative] Creamery, North Montpelier, Vt., on or about June 20, 1923, and transported from the State of Vermont into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that a substance, to wit, a product deficient in milk fat and high in moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

On July 6, 1923, H. P. Belknap, trading as George A. Fales Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11659. Adulteration of butter. U. S. v. 103 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17594. I. S. No. 4275-v. S. No. C-4060.)

On July 2, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 103 tubs of butter, remaining unsold in the original tubs at Chicago, Ill., alleging that the article had been shipped by the Butternut Cooperative Creamery Co., from Butternut, Wis., June 20, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat and high in moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

On July 7, 1923, the Butternut Cooperative Creamery Assoc., Butternut, Wis., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11660. Misbranding of cottonseed meal. U. S. v. Riverside Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 14352. I. S. No. 12019-r.)

On July 16, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Riverside Cotton Oil Co., a corporation, Fort Worth, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about Novem-

ber 11, 1919, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds (Net) Ordinary Cotton Seed Meal Manufactured By Riverside Cotton Oil Company Fort Worth, Texas."

Examination of the article by the Bureau of Chemistry of this department showed that the average net weight of 44 sacks examined was 96.05 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds (Net)," borne on the tags attached to the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said sacks contained 100 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the article, whereas, in truth and in fact, each of said sacks did not contain 100 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11661. Misbranding of cottonseed meal. U. S. v. Homer N. Chapman, Henry Clay McCarter, R. Edd Orr, and Rush Hickman (Planters Cotton Oil Co.). Pleas of guilty. Fine, \$200. (F. & D. No. 15053. I. S. Nos. 11930-t, 11934-t.)

On July 7, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Homer N. Chapman, Henry Clay McCarter, R. Edd Orr, and Rush Hickman, trading as the Planters Cotton Oil Co., Waxahachie, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, in two consignments, namely, on or about August 14 and 16, 1920, respectively, from the State of Texas into the State of Michigan, of quantities of cottonseed meal which was misbranded. The article was labeled in part: "Farmer Brand Choice Cotton Seed Meal 100 lbs. Gross, 99 lbs. net Protein, (not less than) 43 per ct. * * * Fiber (not over) 10 per ct."

Examination by the Bureau of Chemistry of this department of 60 sacks of the article taken from the consignment of August 14, 1920, showed an average weight of 95 pounds. Analysis by said bureau of a sample of the article taken from the consignment of August 16, 1920, showed that it contained 39.29 per cent of protein and 12.20 per cent of crude fiber.

Misbranding of the product involved in the consignment of August 14 was alleged for the reason that the statement, to wit, "100 lbs. Gross, 99 lbs. net," borne on the tags attached to the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not weigh 100 pounds gross but did weigh a less amount, and each of said sacks did not contain 99 pounds net of the article but did contain a less amount. Misbranding was alleged with respect to the remaining consignment of the product for the reason that the statement, to wit, "Protein, (not less than) 43 per ct. * * * Fiber (not over) 10 per ct.," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 43 per cent of protein and not more than 10 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein and not more than 10 per cent of fiber, whereas, in truth and in fact, it did contain less than 43 per cent of protein, to wit, 39.29 per cent of protein, and did contain more than 10 per cent of fiber, to wit, 12.20 per cent of fiber.

On February 15, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

- 11662. Misbranding of tomatoes. U. S. v. Ernest M. Shoemaker (E. M. Shoemaker). Plea of guilty. Fine, \$5 and costs. (F. & D. No. 16018. I. S. No. 2930-t.)**

On May 10, 1922, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ernest M. Shoemaker, trading as E. M. Shoemaker, Jacksonville, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 9, 1921, from the State of Texas into the State of Missouri, of a quantity of tomatoes in crates which were misbranded. Some of the crates bore no statement relative to weight, measure, or numerical count. The rest of them were marked "1/3 Bu."

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 4, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

- 11663. Adulteration of chloroform. U. S. v. 168 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16648. S. No. C-3716.)**

On July 21, 1922, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 168 cans of chloroform, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped from New York, N. Y., on or about March 7, 1922, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorinated decomposition compounds.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia, official at the time of investigation.

On April 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

- 11664. Adulteration and misbranding of beans. U. S. v. 210 Bags of Beans. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16823. I. S. No. 13645-t. S. No. E-4067.)**

On September 19, 1922, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 210 bags of beans, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Wholesalers & Exporters Brokerage Co., from New Orleans, La., on or about May 10, 1922, and transported from the State of Louisiana into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pink 90 Net When Packed."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package containing the said article.

On November 4, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. On November 18, 1922, the decree providing for the destruction of the product was modified to permit its release to the H. L. Singer Co., Atlanta, Ga., upon pay-

ment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned that it be used for hog feed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11665. Adulteration of shell eggs. U. S. v. 62 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 16831. I. S. No. 3864-v. S. No. C-3791.)

On August 26, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 62 cases of shell eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Anderson Produce Co., from Milan, Mo., August 19, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On September 1, 1922, M. P. Rutledge, Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11666. Adulteration of evaporated milk. U. S. v. 600 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17114. I. S. No. 4110-v. S. No. C-3866.)

On January 6, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 cases of evaporated milk, consigned by Burt-Zaiser Co., Burlington, Iowa, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped from Burlington, Iowa, December 2, 1922, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Autumn Leaf Brand Evaporated Milk Average Net Weight One Pound or Over Packed for Burt-Zaiser Company, Burlington, Iowa."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On July 12, 1923, the Food Products Supply Service, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad under the supervision of this department, the bad portion destroyed and the good portion released for manufacturing purposes which would require cooking.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11667. Adulteration of canned sweet corn. U. S. v. 60 Cases of Sweet Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15745. I. S. No. 13472-t. S. No. C-3378.)

On December 21, 1921, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cases of sweet corn at Wichita, Kans., alleging that the article had been shipped by the Elgin Canning Co., from Elgin, Iowa, on or about October 12, 1921, and transported from the State of Iowa into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was

labeled in part: (Can) "Sweet Corn. Contents 1 Lb. 4 Ozs. Opal Brand * * * Packed By The Elgin Canning Co. Elgin, Iowa."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On August 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11668. Adulteration and misbranding of chocolate coating. U. S. v. Handy Chocolate Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 17413. I. S. Nos. 205-v. 1309-v, 4506-v.)

On May 29, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Handy Chocolate Co., a corporation, Springfield, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about June 8, July 14, and August 15, 1922, respectively, from the State of Massachusetts into the States of Connecticut, Ohio, and Maryland, respectively, of quantities of chocolate coating which was adulterated and misbranded. The article was contained in shipping cases, a portion of which were labeled in part: "100 Lbs. Net Handy's Pride Chocolate Coating Springfield, Mass. U. S. A." or "Handy's Chocolate Company Springfield, Mass. U. S. A. * * * Handy's * * * Chocolate Coating." A portion of the article bore the statement imprinted on the cakes, "Miner's Incomparable Coating."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a sweet chocolate containing an excess of cacao shells.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cacao shells, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for chocolate coating, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Chocolate Coating," borne on the cases containing a portion of the article, and the statement, to wit, "Coating," borne on the remainder of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statement represented that the article was chocolate coating, a product composed wholly of chocolate, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product composed wholly of chocolate, whereas, in truth and in fact, it was not a product composed wholly of chocolate but was a product composed in part of cacao shells. Misbranding was alleged with respect to the portion of the article labeled "Chocolate Coating" for the further reason that it was a product composed in part of cacao shells, prepared in imitation of chocolate coating, and was offered for sale and sold under the distinctive name of another article.

On June 8, 1923, a plea of nolo contendere to the information was entered by the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11669. Misbranding of Hooper's pills. U. S. v. 1 Dozen Boxes of Hooper's Pills (Green Seal). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17471. I. S. No. 411-v. S. No. E-4366.)

On April 25, 1923, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 dozen boxes of Hooper's pills, remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the American Synthetic Co., Philadelphia, Pa., on or about January 26, 1923, and transported from the State of Pennsylvania into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained iron sulphate, aloes, and ginger.

Misbranding of the article was alleged in the libel for the reason that labels on the packages containing the said article bore the following statements, (wrapper) "perfection in opening obstruction of the vessels * * * cure

of disorders peculiarly incident to the Female Sex * * * remedy against those general complaints, the Female Sex are subject to; * * * cleanse, purify, and cause a free circulation of the blood * * * for the palpitation of the heart, giddiness, loathing of food, bad digestion, pains of the stomach, heating of the arteries of the neck, short breath * * * scurvy; for all which distempers they are a most excellent and successful remedy; * * * should be taken by all women at the age of forty-five * * * to prevent those disorders that usually attend them at that time. * * * a sovereign remedy * * * in all hypochondriac, hysterick, or vapourish disorders * * * strengthens the nerves * * * continue their use till the end is answered," which said statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 23, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11670. Misbranding of tankage. U. S. v. 19 Sacks of Tankage. Default decree declaring product to be misbranded and ordering its destruction. (F. & D No. 727-c. I. S. No. 12979-t. S. No. C-3962.)

On March 21, 1923, the United States attorney for the Western District of Wisconsin, acting upon a report by an official of the Wisconsin Department of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 sacks of tankage, remaining unsold in the original unbroken packages at Hazel Green, Wis., alleging that the article had been shipped by the Frith's Union Slaughter House, Dubuque, Iowa, on or about February 19, 1923, and transported from the State of Iowa into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the sacks containing the said article, to wit, "Protein 47.10 Fat 11.60 Fibre 4.35," were false and misleading and calculated to deceive and mislead purchasers thereof in that the said article did not contain 47.10 per cent of protein and 11.60 per cent of fat but did contain less amounts, and the said article did contain more than 4.35 per cent of fiber.

On May 9, 1923, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its destruction by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11671. Alleged misbranding of B. & M. external remedy. U. S. v. 11 Packages of B. & M. External Remedy. Tried to the court and a jury. Verdict and judgment for claimant. (F. & D. No. 11492. I. S. No. 12892-r. S. No. E-1828.)

On October 14, 1919, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 packages of B. & M. external remedy at Concord, N. H., alleging that the article had been shipped by the Eastern Drug Co., from Boston, Mass., on or about September 5, 1919, and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "B. & M. External Remedy For Tuberculosis, Pneumonia, Laryngitis, Bronchitis, Pleurisy, La Grippe, Asthma, Hay Fever, Coughs, Colds, Catarrh, Rheumatism, Lumbago, Neuralgia, Neuritis, Peritonitis, Neurasthenia, Locomotor Ataxia, Varicose Veins, Blood Poisoning, Autointoxication, * * * Sprains, Scalds, Burns, * * * Swellings, Stiff Joints, * * *. B. & M. External Remedy, applied to the skin, goes directly to the seat of the trouble * * *. Eradicates Tubercle Bacilli from Lungs, Glands or Joints. Arrests the work of Pneumonia or La Grippe germs in a few hours. Gives immediate relief in rheumatic fever and puts the patient on his feet within a week or ten days. * * *. B. & M. Is a sovereign remedy for Colds and Coughs. It destroys the germs and prevents the further development of Throat and Lung Troubles. A bottle within easy reach is a perfect safeguard against pneumonia. * * * Will relieve Headache in a few moments;"

(bottle) "Tuberculosis, Pneumonia, Laryngitis, Bronchitis, Pleurisy, Influenza, Hay Fever, Asthma, Coughs, Colds, Catarrh, Rheumatism, Lumbago, Neuralgia, Neuritis, Peritonitis, Neurasthenia, Locomotor Ataxia, Blood Poisoning, Varicose Veins, * * * Sprains, Scalds, Burns, * * * Swellings, Stiff Joints, * * *. For Tuberculosis of the Lungs * * *. For Tuberculosis of Other Parts of the Body * * * For Pneumonia and Asthma * * * For Influenza and La Grippe * * * For Laryngitis, Bronchitis, Coughs, Soreness of Throat or Chest * * * For Hay Fever, Catarrh or Head Colds * * * For Rheumatism, Lumbago, Locomotor Ataxia, Neuralgia, Neuritis, Neurasthenia * * * Varicose Veins, Sprains * * * Stiff Joints * * * For Incipient Scarlet Fever, Tonsillitis or Diphtheria * * * For Blood Poisoning * * * For Headache * * * For Scalds, Burns;" (circular) "If, at the first onset of influenza, applications be made to the entire trunk of the body and continued fifteen or twenty minutes * * * it is believed that the work of the influenza germs will be quickly arrested; but the gateway to the lungs being opened to other germs, it is recommended that five or six further applications be made hourly and others at longer intervals. * * * Treat the cold with the remedy and you may avoid the pneumonia;" (booklet) "B. & M. External Remedy * * * For The Treatment Of Tuberculosis, Pneumonia, Bronchitis, Coughs, Colds, Rheumatism, Infantile Paralysis And Other Germ Or Inflammatory Diseases, * * * Tuberculosis * * * Pneumonia * * * Bronchitis * * * Pleurisy * * * La Grippe or Influenza * * * Colds And Coughs * * * Asthma * * * Catarrh * * * Hay Fever * * * Rheumatism * * * Rheumatic Fever * * * Lumbago * * * Neuritis * * * Neurasthenia * * * Peritonitis * * * Scarlet Fever * * * Diphtheria * * * Whooping Cough * * * Mumps * * * Goitre * * * Sarcoma * * * Blood Poisoning * * * Autointoxication * * * Bladder * * * Scalds And Surface Burns * * * Poliomyelitis Or Infantile Paralysis * * * Locomotor Ataxia * * * Indigestion * * * Varicose Veins * * * Stiff Joints * * * Boils * * * Sprains."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted of an emulsion containing turpentine oil, ammonia, salicylic acid, formaldehyde, aconite, a cyanogen compound, balm of Gilead, wild cherry, albumen, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the statements, designs, and devices regarding the curative and therapeutic effects of the said article were false and fraudulent in that the said product, as analyzed, contained no ingredient or combination of ingredients capable of producing the effects claimed.

On or about December 14, 1922, the National Remedy Co., Boston, Mass., having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following charge to the jury (Morris, J.):

"The action which you have been called to try differs somewhat in form from ordinary criminal or civil actions.

"It is an action brought by the United States against 11 packages of a drug, labeled 'B. & M. External Remedy A New Chemical Compound,' seeking the forfeiture and condemnation of the 11 packages on the ground that they were misbranded.

"It is brought under the Food and Drugs Act, the original of which was passed by Congress, June 30, 1906.

"The original act has been twice amended since its passage, viz, August 23, 1912, and March 3, 1915, so that the act or such parts of the act as are applicable to this case reads substantially as follows. The act provides:

"That the introduction into any State * * * from any other State * * * of any article of food or drugs which is * * * misbranded, within the meaning of this act, is * * * prohibited; and any person who shall ship or deliver for shipment from any State * * * to any other State * * * any such article so * * * misbranded within the meaning of this act * * * shall be guilty of a misdemeanor.

"[That] the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device, regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purposes of this act an article shall also be deemed to be misbranded:

"In case of drugs—

"Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent."

"The purposes of that part of the act to which reference is made are succinctly stated in a message transmitted to Congress by President Taft, now Chief Justice Taft, in 1911. He said:

"In my opinion the sale of dangerously adulterated drugs, or the sale of drugs under knowingly false claims as to their effects in diseases, constitutes such an evil and warrants me in calling the matter to the attention of the Congress. Fraudulent misrepresentations of the curative value of nostrums not only operate to defraud purchasers, but are a distinct menace to public health. There are none so credulous as sufferers from disease. The need is urgent for legislation which will prevent the raising of false hopes of speedy cures of serious ailments by misstatements of fact as to worthless mixtures on which the sick will rely while their diseases progress unchecked."

"As a result of this message, Congress passed an amendment to the original Food and Drugs Act, known as the Sherley Amendment, which amendment I have already read to you, but which I will read again, as it is, perhaps, the essential part of the statute applicable to the Government's claims in this action, and it is part of the law which I desire to impress on your minds. The part of the amendment to which I refer reads as follows:

"[That] for the purposes of this act an article shall also be deemed to be misbranded:

"In case of drugs—

"Third. If its package or label shall bear or contain any statement, design, or device, regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent."

"The libel or complaint in this case was filed October 14, 1919.

"It sets forth, in substance, that on or about September 5, 1919, there was shipped from Boston, Mass., to Concord, N. H., 11 packages which contained a drug designed and intended to be used in the cure, prevention, and mitigation of the diseases of man, bearing statements regarding its curative and therapeutic effects; and the bottles containing said drug were labeled in part: 'B. & M. External Remedy A New Chemical Compound.'

"The libel further alleges that a chemical analysis of a sample of the same drug showed that the product contained in said 11 packages consisted of an emulsion made up essentially of oil of turpentine, ammonia, albumen, formaldehyde, salicylic acid and other ingredients derived from plant sources, including aconite.

"The Government further alleges that said packages were labeled, marked, and branded, as follows: 'B. & M. External Remedy For Tuberculosis, Pneumonia, Laryngitis, Bronchitis, Pleurisy, La Grippe, Asthma, Hay Fever, Coughs, Colds, Catarrh, Rheumatism, Lumbago, Neuralgia, Neuritis, Peritonitis, Neurasthenia, Locomotor Ataxia, Varicose Veins, Blood Poisoning, Autointoxication, * * * Sprains, Scalds, Burns, * * * Swellings, Stiff Joints. * * * B. & M. External Remedy, applied to the skin, goes directly to the seat of the trouble * * *. Eradicates Tubercle Bacilli from the Lungs, Glands or Joints. Arrests the work of Pneumonia or La Grippe germs in a few hours. Gives immediate relief in rheumatic fever and puts the patient on his feet within a week or ten days. * * * B. & M. Is a sovereign remedy for Colds and Coughs. It destroys the germs and prevents the further development of Throat and Lung Troubles. A bottle within easy reach is a perfect safeguard against pneumonia. * * * Will relieve Headache in a few moments.'

"The label further sets forth the words contained on the bottles and the language of a circular contained in said packages giving directions for the use of the drug in cases of the first onset of influenza and a portion of the language of a booklet also sent within said packages. It is alleged that the labels on the bottles and the wording of the booklet mentions the use of the B. & M. External Remedy in connection with the same diseases already enumerated. The Government further alleges that when shipped as aforesaid, said bottles and cartons were misbranded within the meaning of the Food and Drugs Act, and that the circulars and booklets contained false and fraudulent statements regarding the therapeutic and curative effects of said drug.

"After service of the process, the National Remedy Co., a corporation, organized under the laws of Massachusetts, by its treasurer, Frank E. Rollins, appeared as claimant of said 11 packages of drugs and filed an answer in which it admitted that it was the manufacturer and consignor of the 11 packages of B. & M. External Remedy, and that it alone was responsible for any and all representations made upon said packages or contained therein as to the curative and therapeutic effects of said remedy. It further denied the allegations in the Government's petition and prayed that said packages might be delivered to it. This answer was filed November 8, 1919.

"For a violation of this statute the law provides two remedies. Section 2 of the act declares that any person who ships any misbranded article in violation of the law in interstate commerce shall be punished upon conviction for the first offense by a fine. That, you will observe, is a prosecution against the individual. Section 10 of the same act declares that when such misbranded food or drugs is shipped in interstate commerce in violation of law, the Government may proceed directly against the article shipped, and not require any process against the individual or manufacturers.

"The case which we now have is brought under section 10 of the act. There is no criminal prosecution whatever involved in this proceeding. Neither the National Remedy Co. nor its officers or agents are being proceeded against criminally, and no fine or imprisonment is attached to this proceeding. This is a proceeding against the property itself.

"You will notice that the case is entitled 'United States v. 11 Packages B. & M. External Remedy, A New Chemical Compound,' but, as already indicated, the National Remedy Co. has filed as claimant of the property which the Government is seeking to condemn.

"This action, therefore, is resolved into an adversary proceeding between the United States, on the one side, and the National Remedy Co., claimant, on the other side, in which the subject matter in dispute is the 11 packages of B. & M. External Remedy.

"If those packages are found to be misbranded within the meaning of the Food and Drugs Act, then the Government prevails, and the packages should be destroyed or otherwise disposed of in accordance with law.

"If the packages are found not to be misbranded in accordance with the act referred to, then the claimant has prevailed, and the packages will be returned to the National Remedy Co.

"The procedure in a case of this kind after a claimant has appeared is to have a trial of the question as to whether the article is misbranded. If it is misbranded, the subsequent proceedings depend upon whether it is injurious to health or not. If it is, it will be destroyed by order of the court. But usually, if misbranded only, where the property is not injurious to health, the law provides that it may be turned over to the claimant upon his paying the cost of suit and upon his giving bonds that he will not sell or dispose of it in violation of any law of the State or of the United States.

"In this particular case, if the drug is found to be misbranded, it might be turned over to the claimant, National Remedy Co., upon its giving a proper bond, and it would have to change its advertising matter to accord with the truth when the goods might be sold without violating any statute. The question for you to try is whether or not these goods are in any way misbranded.

"The National Remedy Co. is a corporation and as such can only act through its officers and agents. The acts of such officers and agents performed within the scope of their authority are the acts of the corporation. The knowledge of such officers and agents is the knowledge of the corporation and binding on the corporation.

"The Government having made the charge that the packages are misbranded, the law casts upon it the burden of proving the charge by a balance of probabilities.

"If the evidence is so evenly balanced that you can not determine whether the Government's charges are true or not, then it has failed to sustain the burden of proof which the law casts upon it, and your verdict should be for the claimant.

"Under the act of Congress already read to you, there are three certain essential facts that must be proved before the Government is entitled to a verdict. They are: (1) That the 11 packages of drugs were shipped from Massachusetts to New Hampshire, i. e., that it was an interstate shipment; (2) that the bottles, labels, circulars, or booklets accompanying the shipment contained false representations as to the curative or therapeutic effects of the drug; (3) that

the representations were fraudulently made with the intent of deceiving the public or prospective purchasers.

"We will consider these three essential facts that must be proven in their order.

"The first is as to the interstate character of the shipment. Congress has authority under the Constitution to pass laws regulating interstate commerce. The Food and Drugs Act falls within this class. The shipment of the 11 packages of drugs from Massachusetts to Concord, N. H., was interstate commerce. It was the interstate shipment within the meaning of the first part of the Food and Drugs Act which I have already read to you, which prohibits (to use the language of the act) 'the introduction into any State * * * from any other State * * * of any article of food or drugs which is adulterated or misbranded.'

"I do not understand that the interstate character of the shipment of the 11 packages of drugs is controverted, so you will have no difficulty with that question.

"The packages were shipped from some place in Massachusetts across the State line into New Hampshire. You may, therefore, consider the first essential fact in the Government's case as established.

"The second essential question is one of more difficulty. Did the labels on the bottles, or the circulars, cartons or booklets, accompanying the shipment, contain false statements regarding the curative or therapeutic effects of the drug?

"On this point there is much conflict of testimony. When the evidence is conflicting, it is peculiarly the province of the jury to weigh it carefully and determine what is the truth. So in this case, it is for you to carefully consider all the evidence in the case and say whether or not any or all of the statements made accompanying the shipment as to the curative or therapeutic effects of the drug were false or whether they are true. If they were false, it makes no difference whether the statements were printed on the labels on the bottles, on the cartons or containers in which the bottles were shipped, or in circulars, pamphlets, or booklets accompanying the shipment. The statements are equally within the meaning of the act so long as they accompany the shipments and are intended for perusal by prospective purchasers of the drug.

"The claimant does not deny but that Government Exhibits 1, 2, 3, 4, 5, being the bottle and label, booklet, circular, and carton that contained the bottles and literature, were part of the shipment, and in its answer, it admits responsibility for such statements as are contained therein. You will have these exhibits with you for the purpose of examination when you retire to your jury room.

"The statute contains the words 'curative or therapeutic effects.' The word 'curative' is defined in Webster's dictionary as 'relating to, or employed in, the cure of diseases.' 'Therapeutic' is defined as 'of, or pertaining to, the healing art.'

"The latter term, as used in medicine, borders a little more on the realm of experimentation or discovery than the word 'curative.' But as used in this statute, 'therapeutic effect' is the effect that might with reason be expected to be produced upon the human system by any given drug. If a drug is represented to have a curative effect, while it might not always cure, it must be a drug that either does cure, or such as is generally recognized and employed in the effort to cure a certain disease or certain diseases. If it is represented as a cure for certain diseases, when it will not, and is not recognized as a specific, or a remedy for such diseases, then the representation is false; and if printed on the bottles, circulars, or other literature accompanying an interstate shipment of the medicine or drug, then it is misbranded within the meaning of the statute.

"To explain a little more fully my meaning, a man might easily justify advertising the curative effects of a drug which was generally recognized as beneficial in the cure of specified diseases, but if a man puts onto the market a drug which is not so recognized by skilled practitioners, he should be held to a high degree of care in his efforts to ascertain the curative effects of the drug that no mistake be made, because he may be trifling with human life. He must use great care in his advertising matter, and know, or honestly believe, that his representations are true and are so worded as not to deceive the public.

"So in this case, if you believe from the evidence that any of the statements as to the curative or therapeutic effects of the B. & M. Remedy, con-

tained in its accompanying literature of which the Government complains in its libel are false, or if you find that they are only partly true and are so artfully worded as to convey a meaning which is false, and you find that they are so worded for the purpose of deceiving the public, then the statements are false and fraudulent, and your verdict should be for the Government.

"In order to maintain its action, it is not necessary that the Government should show by a balance of proof or that you should find that all of the statements contained in these exhibits are untrue or false. If you find that any of the material and essential statements in the exhibits are false and misleading and are likely to deceive the public or prospective purchasers, then, in that respect, the Government has maintained its case. The statement so made is false within the meaning of the statute. As to whether it is also fraudulent, the third essential fact which the Government must prove, I will explain later.

"A number of medical men have testified to the nature and symptoms of various diseases. Most of these diseases are so well understood by those not skilled in medicine as to be easily recognizable. Take, for instance, whooping cough. A mother knows only too well when her child is afflicted with that disease; but, on the other hand, the symptoms of scarlet fever, in its incipient stages, is [are] not so easily recognizable. In the advertising matter accompanying the shipment numerous diseases are mentioned. You will understand those diseases as a layman would understand them from a reading of the carton or booklet, and when witnesses not learned in medicine have used the name of a disease in their testimony, you will understand such disease in accordance with the generally accepted meaning, without attempting to apply the technical medical term which might be given it by one learned in medicine.

"So also, all the language used by the claimant is to be given the meaning ordinarily conveyed by it to those to whom it is addressed. In the present case, take for illustration the printed matter on the outside of the yellow carton (Exhibit No. 5), it is fair to say that it was placed there in bold type by the claimant with the double object in view of advertising the drug and informing the public, and particularly persons who are unfortunate sufferers from any of the diseases mentioned, of the curative or alleviating effects of the drug upon these diseases. The same may be said of the booklet and other printed matter that accompanied the shipment; or to state the proposition more concretely, the printed matter on the carton and in the literature accompanying the shipment was intended to inform prospective purchasers of the drug of its curative or therapeutic effects.

"That was the purpose for which it was intended. As I have said, the language used is to be given its ordinary meaning. The question with reference to each statement is: What would an ordinarily intelligent person suffering from one of the maladies and desirous of being cured of it, or at least desirous of being relieved of some of his suffering from it, understand from reading the printed matter? If there is any of the language in the exhibits that is open to doubt or question as to the meaning it would convey, it is a question of fact for you to determine.

"Some of the language used is not open to such doubt. Take, for instance, the language on the yellow carton which says that the drug 'Eradicates Tubercle Bacilli from Lungs, Glands or Joints.' Can there be any doubt as to its meaning? It appears in evidence, undisputed, that tuberculosis, or consumption as it is more commonly known among laymen, is caused by the tubercle bacilli. Tuberculosis is known to be one of the most fatal of the diseases incident to humanity. It is also recognized as one of the most difficult to deal with. The statement on the carton is that the B. & M. External Remedy eradicates the tubercle bacilli from lungs, glands, or joints. To eradicate is to blot out, destroy, or relieve the affected parts from the bacilli. If the active bacilli are eradicated the disease is cured and ultimate recovery of the patient is practically assured if he has in his system sufficient recuperative power to mend the injury caused by the ravages of the disease.

"There can be no doubt but that the language on the carton with respect to the action of the drug upon the bacilli that causes tuberculosis is intended to inform the public that the drug has a curative effect upon that disease. I have taken this as an illustration. Not all of the language used with respect to the great variety of diseases is equally positive. Some of it may be susceptible of doubt as to what meaning it would convey to the public. In each instance where the language is open to doubt it is for you to say what meaning it conveys.

"I think perhaps, that I have sufficiently explained and illustrated the meaning of the word 'false' as used in the statute and its application to the instant case. As already said, whether any or all of the statements in the exhibits are false is clearly a question of fact for you to determine. The Government has introduced the testimony of several physicians who have explained to you in detail, and some with great minuteness, the characteristics of some of the diseases mentioned in the exhibit, particularly tuberculosis, pneumonia, locomotor ataxia, and neuritis. They have testified to the recognized treatment among medical men for those several diseases. They have described to you the effect of drugs as used with reference to them. They have also testified to the effect upon the human system of the different substances entering into the composition of the B. & M. External Remedy, and some of them have told you that by no possibility could those drugs, either singly or in a mechanical mixture or chemical compound with the other substances entering into the composition of the B. & M. External Remedy, have the curative or therapeutic effects upon some of the disease described in the literature. They say that this is the generally recognized opinion of the medical profession.

"Some of the physicians who have qualified as experts, perhaps all, have been asked to give their individual opinions as to the efficacy of the preparation and its effect as a curative upon certain of the diseases. They have testified that in their opinion it would not be efficacious. The personal opinion of those physicians would not, standing alone, be sufficient evidence upon which you could find a verdict or reach a conclusion that the descriptive matter in the circular is false, as it is recognized that there is oftentimes a difference in opinion even among skilled medical men. If the individual opinion of one weighed against the individual opinion of another equally skilled, it could not be said that there was such a balance of probabilities as to permit the jury to determine the question in issue one way or the other. But when the individual opinions of the witnesses is in accord with the generally recognized opinion of medical men skilled in the profession, such opinions may be considered in connection with other evidence. They are an aliquot part of the crystalized opinion of medical men.

"As I have already indicated, the important questions in this case arise in connection with the words of the statute, 'false and fraudulent.' If the question as to whether a statement or a representation is true or not is a matter of opinion so that reasonable men might differ upon that opinion, some men might think one way and some men might think another, then such representation can not for the purpose of this case be said to be false or fraudulent. A verdict for the Government can not stand upon a question of opinion between different schools of medicine or upon differing opinion between skilled medical men. In order to be entitled to a verdict the Government must convince you that the statements made in the literature accompanying the shipments are false, and that the drug will not have the curative and therapeutic effects ascribed to it, and not only that the statements are false, but, as I will presently explain, they are fraudulent.

"To meet the evidence introduced by the Government, the claimant has called a number of witnesses who have testified that they have been cured by the use of B. & M. External Remedy of diseases from which they have suffered. Claimant has introduced a practising physician who has testified that he has used B. & M. External Remedy in his practise in certain diseases with beneficial results to his patients.

"You have been urged in argument of counsel to find from the evidence of these witnesses that the statements made with respect to the effect of the drug upon the several diseases are true.

"The testimony of the Government witnesses including the experts contradicted by the testimony of the witnesses on behalf of the claimant who have given testimony to the truth of the representations forms an issue of fact for your determination. You will weigh all the evidence carefully on both sides considering it with reference to the representations made and say whether any or all of them are true or false. If you find they are true, then the Government has failed to establish its case, and your verdict must be for the claimant.

"If you find that the statements are false and misleading in any material particular, with respect to any one or more of the diseases mentioned in the exhibits, then you will come to your third question, which is: Were the representations fraudulently made with the intent or purpose of deceiving the public or prospective purchasers?

"Again calling your attention to the language of the statute and particularly to the words used, 'false and fraudulent,' it is essential that the Government prove, not only that the statements were untrue, but that they are fraudulent. A statement may be false but not fraudulent. To illustrate, if a man sells another a horse that is infected with an incurable disease that has not so developed as to be observable, innocently representing to the purchaser that the horse is sound, the statement is false, but it was innocently made, believing it to be true; therefore it was not fraudulent.

"The phrase, 'false and fraudulent,' must be taken with its accepted legal meaning and thus it must be found, if the Government is to prevail, that the statements, or some of them contained in the packages, were put there to accompany the goods with actual intent to deceive—an intent which may be derived from the facts and circumstances but which must be established.

"In determining whether or not the representations are fraudulent, any or all of them, you should first carefully study the representations themselves, so as to form a correct understanding of the meaning they convey to the public or more particularly to prospective purchasers of the drug.

"You will then determine whether this is the meaning intended to be conveyed by the claimant, as the claimant assumes responsibility for the representations made. Going further, you should consider the relation of the claimant to the public. The B. & M. External Remedy being a proprietary medicine, it is proper for you to take into consideration the financial interest the claimant had in so advertising its goods as to increase its sales. Has the desire for financial gain caused the claimant to make extravagant statements as to the curative and therapeutic effects of the remedy, and if such statements are extravagant and grossly exaggerated were they so intended to be, or were the statements made with an honest purpose of informing the public that a remedy had been discovered that was beneficial in a large variety of diseases?

"If the claimant honestly believed the statements complained of to be true, the verdict must be for the claimant, and the question is not what a physician or chemist would believe, but it is a question of what the National Remedy Co., acting through its officers and agents, did believe.

"No law prohibits a man from making any medicine he wants to and selling it to the people if he tells the truth about it.

"Anybody in this country has the right to buy any medicine that he wants to buy if he knows what it is and what it is good for.

"You are not bound by the theory with regard to diseases advanced by the expert witnesses who have testified. The testimony of experts is to be considered the same as other testimony in the case, for just what it is worth in determining wherein the truth lies. So far as this statute is concerned, a person who honestly believes in another theory with regard to these diseases and ailments and their treatment is entitled to set forth his views in connection with a remedy advertised by him for their treatment; but he must entertain an honest belief that he is right.

"A verdict for the Government can not properly rest upon claims of fraudulent statements when such claims are based upon mere matters of opinion upon debatable subjects.

"A verdict for the Government must stand not upon a question of opinion but upon a finding that the remedy is worthless for the uses or some of the uses claimed for it by the National Remedy Co.; or that the representations or some of the representations as to its curative and therapeutic effects contained in the advertising matter are so grossly exaggerated as to be false and were made with the intent and purpose of deceiving the public. It must be demonstrated that the statements are false and made with a purpose and intent of deceiving the public.

"It is for you to determine from all the evidence in the case whether these statements or any of them are false or fraudulent. If you believe that the drug is so absolutely worthless, for example, for tuberculosis, infantile paralysis, locomotor ataxia, or any of the diseases mentioned upon which it is represented to have a curative or therapeutic effect, that the claimant must have known it, then you would be justified in finding that the statement with reference to such disease or diseases is both false and fraudulent.

"You should take into consideration the fact that when any individual or company puts out a drug intended for use by persons so credulous as those who are suffering from disease, such individual or company is assuming a great responsibility and extreme caution should be exercised in informing them of the curative or alleviating properties of the drug. Great and lasting injury to

the health of individuals may result if misstatements are made as to its curative effects by inducing its use in the incipient stages of diseases upon which it has no effect, which if taken in time, might by proper treatment be cured. Knowing and realizing this as every owner of a proprietary medicine must, if he is a person of intelligence, it is for you to say whether or not he would not, before advertising his medicine, first ascertain just what its curative and therapeutic effect is upon the diseases for which he recommends it.

"As bearing upon the knowledge and state of mind of Mr. Rollins who is practically the owner of the National Remedy Co., claimant, you should consider his intelligence and training and say whether or not he did know, when he put out the statements contained in the exhibits, what the curative effects of the B. & M. External Remedy would be upon such diseases as tuberculosis, pneumonia, infantile paralysis, locomotor ataxia, sarcoma, and other diseases specifically mentioned.

"These considerations have a bearing upon the question whether or not the statements accompanying the shipments were exaggerated or untrue and were put out with the actual intent to deceive the public.

"You should weigh these considerations on one side against the testimony of Mr. Rollins that he entertained an honest belief in the efficacy of his medicine; that his intentions were honest and without intent to deceive. You should take into consideration the evidence bearing upon the efforts he made to ascertain from others what it had done. You should also consider in connection with the claimant's intent the effect he may have actually observed of the use of the remedy upon individuals of his acquaintance. Numerous testimonials have been read, and I must give you a word of caution with respect to them. They are proper for your consideration only as affecting the state of mind and belief of the claimant. They are not to be considered as proof of the effect of the remedy upon the disease mentioned therein. The authors of the testimonials may have been deceived as to the nature of the disease from which they suffered or as to the effect of the treatment. They may have been on the road to recovery before the remedy was used.

"In order to be competent for your consideration that the diseases mentioned in the testimonials have been cured by the use of the B. & M. External Remedy the individuals giving the testimonials would have to be brought into court to testify, subject to cross-examination, so that you might see them and determine for yourselves how much weight should be given the statements they have made. In several instances this has been done. In such instances it is the testimony of the witness and not the language of the testimonial that is competent as bearing upon the truth of the curative and therapeutic effects of the medicine. As I have said, the testimonials are competent only as bearing upon the state of mind of the claimant when he put out the advertising matter with the drug as to whether or not he intended thereby to deceive the public and promote sales.

"The shipment of the packages in this case was made September 5, 1919, and in considering the good faith of the claimant in putting out the advertising matter, you should consider only such testimonials as were given prior to that date or the date of the publication of the advertising matter and such facts as were then known to the claimant through its agents because it is manifest that the claimant's state of mind as reflected in the advertising matter could not be influenced by events happening subsequent to its publication.

"There has been introduced in evidence testimony tending to show effective cures of numerous diseases from the use of the remedy since the seizure of these packages by the Government in 1919.

"This testimony can have no weight upon the state of mind of the claimant when the literature was published, but it may be considered with reference to the truth or falsity of the statements contained in the advertising matter.

"Government Exhibit No. 7 is a circular published by the United States Department of Agriculture, Bureau of Chemistry, intended to inform manufacturers and proprietors of drugs of the department rulings with reference to that part of the Food and Drugs Act which applies to the misbranding of drugs. This exhibit was admitted for the purpose of showing notice of claimed violation of the act by the claimant. A copy of it was given to the claimant. It is not to be considered by you except for the purpose of showing notice and you will not consider it for any other purpose. It is for the court to construe the law, and you will not consider the printed circular as evidence of any particular construction to be given the statute. I wish to impress on you right in this con-

nection that you are to give the language in the advertising matter its ordinary meaning which it would convey to the public.

"You are to be congratulated that the trial of this case is drawing to a close. It has consumed nearly three weeks and necessarily has entailed a large expenditure of money. It is a matter of importance to the claimant and to the Government representing the public. You should give the evidence most careful and thorough consideration that you may arrive at a just and honest conclusion.

"You will have with you two verdicts. The first which I happen to pick up reads, after entitling the case: 'The jury find in favor of the claimant.' If this is the verdict of the jury upon the issues of the case as they have been explained to you, you, Mr. Foreman, will sign that verdict and return it to the court.

"The other verdict reads, after entitling the case: 'The jury find in favor of the United States.' If you find that all or any of the statements complained of are both false and fraudulent, you, Mr. Foreman, will sign that verdict, and in addition to your verdict you will designate in writing such statement or statements as you find to be false and fraudulent so that the claimant may hereafter omit these statements from its advertising matter.

"Counsel have agreed that if the verdict is for the Government that this may be done.

"The jury will, of course, take up the consideration of the questions involved in this case in a manner that seems most convenient to them; but in the hope that it may aid you in your deliberations, the court suggests that you take the booklet and go through it carefully and consider what is said with respect to each disease mentioned, and if you find that any statement is untrue or so exaggerated as to be false, and you find further that such statement or statements are fraudulent within the meaning of the terms as I have explained them to you, you will record such statements in connection with your verdict for the Government. If all that is said with reference to any certain disease is found to be both false and fraudulent, you can simply refer to it as such without copying the language. But if you find that some particular sentence or statement is both false and fraudulent, you will then quote it in your verdict. I have only referred to the booklet. In like manner you can go through the list of diseases on the carton and printed on the label on the bottle. In like manner you can consider the influenza circular.

"After you have recorded your quotations, you will again sign, Mr. Foreman, at the end of the quotation.

"You should weigh all of the competent evidence for and against the claimant upon the question, first, of the truth of the representations in the exhibits accompanying this particular shipment, and, second, upon the claimant's intent to deceive or defraud the public.

"These are the two important issues for your determination. When you have reached a just conclusion, you should render your verdict in accordance therewith."

The jury then retired and after due deliberation returned a verdict for the claimant. On January 23, 1923, the court entered judgment for the claimant in accordance with the verdict.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11672. Adulteration of coal-tar color. U. S. v. 1 Pound Can of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14681. I. S. No. 1450-t. S. No. C-2894.)

On March 27, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 pound can of coal-tar color, remaining in the original can at Mt. Vernon, Ohio, consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about February 28, 1921, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "1 Lb. Net * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Complies With All Requirements * * * Quality Color * * * Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the

further reason that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On June 2, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11673. Adulteration and misbranding of vinegar. U. S. v. 3 Barrels and 1 Half-Barrel of Vinegar. Decrees of condemnation and forfeiture. Product ordered destroyed. (F. & D. Nos. 16333, 16334. I. S. Nos. 9337-t, 9338-t, 9339-t. S. Nos. E-3871, E-3871-a.)

On May 22, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 barrels and 1 half-barrel of vinegar, consisting of 1 half-barrel of red vinegar and 1 barrel of white vinegar at Orangeburg, S. C., and 2 barrels of red vinegar at Columbia, S. C., alleging that the articles had been shipped by the Fruit Products Co., from Savannah, Ga., in part on or about April 11 and in part on or about April 19, 1922, and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled, variously: (Barrels) "Fruit Products Co. Red Distilled Vinegar Colored 34 Pickling;" "White Distilled Vinegar 52 Pickling;" and "Red Vinegar Colored 34 * * * Distilled Savannah, Ga."

Adulteration of the articles was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged in substance for the reason that the packages bore statements regarding the articles, "White Distilled Vinegar 52 Pickling" and "Red Vinegar Colored * * * Distilled," as the case might be, which were false and misleading and deceived and misled the purchaser, since the said articles were not white distilled pickling vinegar and red distilled vinegar, respectively, but had been diluted with excessive water. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles, to wit, white distilled pickling vinegar or red distilled vinegar, as the case might be.

On December 15, 1922, no claimant having appeared for the property, and a jury having been impaneled and verdicts rendered for the Government, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11674. Adulteration and misbranding of chloroform. U. S. v. 450 Cans of Chloroform. Default decree adjudging product to be adulterated and misbranded and ordering its destruction. (F. & D. No. 16547. S. No. C-3674.)

On July 3, 1922, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 450 cans of chloroform at Fort Smith, Ark., alleging that the article had been shipped from New York, N. Y., on or about March 10, 1922, and transported from the State of New York into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorinated decomposition compounds.

Adulteration of the article was alleged in the libel for the reason that it was turbid instead of clear and contained other than the products specified on the label, to wit, chlorinated decomposition compounds.

Misbranding of the article was alleged in substance for the reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, and for the further reason that it was falsely and knowingly mislabeled and misbranded in reckless disregard of the truth or falsity of the labeling so as to represent falsely and fraudulently to the purchaser and to create in the mind of such purchaser the impression and belief that it was composed of and contained ingredients set out on the label, when, in truth and in fact, it did not. Misbranding

was alleged for the further reason that the article was offered for sale under the name of another article.

On December 21, 1922, no claimant having appeared for the property, judgment of the court was entered finding the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11675. Adulteration of oranges. U. S. v. 396 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16676. I. S. No. 1185-t. S. No. C-3687.)

On June 29, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 396 boxes of oranges, remaining unsold in the original unbroken packages at Cincinnati, Ohio, consigned on or about June 20, 1922, alleging that the article had been shipped by the Randolph Marketing Co., from Anaheim, Calif., and transported from the State of California into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Piute * * * Randolph Marketing Co. California."

Adulteration of the article was alleged in the libel for the reason that it consisted of a decomposed vegetable substance.

On July 1, 1922, the Joseph Gentile Co., Cincinnati, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and that the product be not shipped except upon the approval of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11676. Adulteration of oranges. U. S. v. 396 Cases of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16680. I. S. No. 4453-v. S. No. C-3717.)

On July 12, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 396 cases of oranges, remaining unsold in the original unbroken packages at Cincinnati, Ohio, consigned by Cleghorn Bros., on or about July 1, 1922, alleging that the article had been shipped from Highland, Calif., and transported from the State of California into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fiesta Brand * * * Packed By Riverside Navel Orange Co., Riverside, Riverside Co., Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted of a decomposed vegetable substance.

On July 13, 1922, the Joseph Gentile Co., Cincinnati, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion, under the supervision of this department, and that it be not shipped except with the approval of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11677. Adulteration and misbranding of assorted jellies. U. S. v. 50 Cases of Assorted Jellies. Decree of condemnation. Product ordered disposed of according to law. (F. & D. No. 16880. I. S. Nos. 7906-v, 7907-v, 7908-v, 7909-v. S. No. W-1221.)

On October 19, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of assorted jellies, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Temtor Corn & Fruit Products Co., St. Louis, Mo., alleging that the articles had been shipped from St. Louis, Mo., on or about May 11, 1921, and transported from the State of Missouri into the State of California, and charging adulteration and misbrand-

ing in violation of the Food and Drugs Act, as amended. The articles were labeled in part: "Gold Seal * * * Brand Jelly 67% Corn Syrup 18% Fruit Juices From Fresh Apples" (or "Apples & Raspberries" or "Apples & Grapes" or "Apples & Plums") "With 15% Granulated Sugar Apple" (or "Raspberry" or "Grape" or "Plum") "Best-Clymer Mfg. Co. St. Louis, Mo."

Adulteration of the articles was alleged in the libel for the reason that products composed essentially of glucose sugar, pectin, and phosphoric acid, containing little, if any, fruit juices, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles. Adulteration of the plum, grape, and raspberry jellies was alleged for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the statement, "18% Fruit Juices," appearing on the labels of the articles, and the statements, "Fresh Apples & Raspberries * * * Raspberry," "Fresh Apples & Grapes * * * Grape," "Fresh Apples & Plums * * * Plum," as the case might be, appearing on the labels of certain of the said articles, were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles, and for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 18, 1922, the Best-Clymer Mfg. Co., St. Louis, Mo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be disposed of according to law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11678. Misbranding of Plough's Prescription C-2223. U. S. v. 19 Bottles, et al., of Plough's Prescription C-2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17371. I. S. Nos. 5305-v, 5306-v. S. Nos. C-3945, C-3946.)

On March 17, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 bottles, 75-cent size, and 3 bottles, \$1 size, of Plough's Prescription C-2223 at Atchison, Kans., alleging that the article had been shipped by the Plough Chemical Co., from Memphis, Tenn., in part on or about March 3 and in part on or about November 18, 1922, and transported from the State of Tennessee into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of potassium iodid, extracts of plant drugs including colchicum, a trace of salicylic acid, anise flavor, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, regarding its curative and therapeutic effect, to wit, (bottle, 75-cent size) "For the Treatment of Rheumatism and Blood Disorders * * * In severe cases take * * * until relieved," (circular, 75-cent size) "Recommended for Treatment of Rheumatism * * * Lumbago, Lame Back, Uric and Lactic Acid Conditions. Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. * * * A Treatment for Conditions Caused by Impure Blood * * * skin eruptions, swelling of the glands and joints, falling hair and sores on different parts of the body, limbs, and face. * * * You can alleviate these troubles caused by bad blood by taking Prescription C-2223, a blood purifier of merit. The * * * ingredients * * * sweep out the impurities and purify the blood * * * A Treatment for Uric, Lactic or Other Acid Conditions of the Blood * * * sciatica * * * Prescription C-2223 drives the poisons from the body by purifying the blood and eliminating the impurities," (bottle, \$1 size) "A Blood Purifier Recommended For Treatment Of Rheumatism * * *. In severe cases, take * * * until relieved," (circular, \$1 size) "A Reliable Blood Purifier A Treatment for Rheumatism * * * Sciatica, Lumbago, Lame Back. Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief.

Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. * * * for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C-2223. * * * 'In * * * conditions due to tainted blood, it acts as a specific.' * * * 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute * * * cases.' * * * Prescription C-2223 has relieved * * * many thousands, suffering from Rheumatism, * * * Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin," (carton, 75-cent and \$1 sizes) "Rheumatism * * * Sciatica, Lumbago, Lamé Back, Uric and Lactic Acid Conditions Blood Disorders Eczema, Chronic Sores and similar affections arising from bad blood," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was composed of or contained ingredients or medicinal agents capable of producing the therapeutic effects claimed, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing such effects.

On June 18, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11679. Adulteration and misbranding of canned oysters. U. S. v. 471 Cases and 602 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17433. I. S. Nos. 5310-v, 5311-v. S. No. C-2950.)

On March 31, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 471 cases, containing 10-ounce cans, and 602 cases, containing 5-ounce cans, of oysters at Atchison, Kans., alleging that the article had been shipped by the Shelmore Oyster Products Co., from Charleston, S. C., on or about January 20, 1923, and transported from the State of South Carolina into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Crown Brand * * * Oysters All Goods Under Crown Brand Are Fully Guaranteed Contents 10 Ozs." (or "Contents 5 Ozs.").

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with the said article so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged for the reason that the statements, "Contents 10 Ozs." and "Contents 5 Ozs.," appearing on the respective-sized cans containing the article, were false and misleading. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 27, 1923, the Dolan Mercantile Co., Atchison, Kans., having appeared as claimant for the property and consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be rebranded to show the true contents of the said cans.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11680. Misbranding of Wesson oil. U. S. v. Southern Cotton Oil Co., a Corporation. Tried to the court and a jury. Verdict for the Government. Motion for new trial and in arrest of judgment overruled. Fine, \$600 and costs. (F. & D. No. 10764. I. S. Nos. 7059-r, 7061-r, 8809-r.)

On December 31, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southern Cotton Oil Co., trading at Chicago, Ill., alleging shipment by

said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about May 7, May 13, and September 9, 1918, respectively, from the State of Illinois in part into the State of Wisconsin and in part into the State of Indiana, of quantities of Wesson oil which was misbranded. The article was labeled in part: (Cans) "Wesson Oil * * * 1 pint and 3 fluid ounces" (or "1 Quart And 8 Fluid Ounces") "The Southern Cotton Oil Co. New York, Savannah, New Orleans, Chicago."

Examination by the Bureau of Chemistry of this department of 30 cans and 40 cans of the product, respectively, taken from each of the two consignments of the alleged 1-pint and 3-fluid-ounce cans showed an average volume of 1 pint 2.3 fluid ounces and 1 pint 2.4 fluid ounces, respectively. Examination by said bureau of 11 of the alleged 1-quart and 8-fluid-ounce cans showed an average volume of 1 quart 7.38 fluid ounces.

Misbranding of the article was alleged in the information for the reason that the statements on the labels of the respective-sized cans containing the article, concerning the said article, to wit, "1 pint and 3 fluid ounces" and "1 Quart And 8 Fluid Ounces," were false and misleading in that the said statements represented to purchasers that each can of the said article contained not less than 1 pint and 3 fluid ounces, or 1 quart and 8 fluid ounces, as the case might be, of the article, whereas, in fact and in truth, each of the said cans contained less than 1 pint and 3 fluid ounces, or 1 quart and 8 fluid ounces, as the case might be. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents of the said packages was not plainly or conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On March 6, 1923, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court charged the jury as follows (Cliff, J.):

"Gentlemen of the jury, it now becomes your province at this time to consider this case under the instructions of the court, and I want to say to you that the information preferring this charge against the defendant is no evidence of guilt; it is simply an accusation or charge. No juror should suffer himself to be influenced in the slightest degree by the fact that this information has been returned against the defendant.

"As I said, and as you have been told, this is a proceeding brought by the United States Government under an information. In that information there are six counts.

"Count 1 charges a violation of the Food and Drugs Act, under which this prosecution is started and upon which it is based. It is based on a consignment of Wesson oil to A. H. Perfect & Co., city of Fort Wayne, State of Indiana, by the Pennsylvania Railroad Co., which is a common carrier, and the labeling, marking, and branding on the cases in cans expressing said shipment as set out in the information. The information charges that this shipment and the specific cans therein were misbranded within the meaning of the act of Congress, and that such labeling, marking, and branding were false and misleading.

"Count 2 charges shipment by the Southern Cotton Oil Co., of Chicago, Illinois, by way of the Pennsylvania Railroad, a common carrier, to A. H. Perfect & Co., city of Fort Wayne, State of Indiana, containing cases of cans containing an article of food designated and intended to be used as an article of food, that is, Wesson oil, and it is alleged that is misbranded.

"Count number 3 charges an offense which was committed by the shipment through the Grand Trunk Railroad Co., a common carrier, to the city of South Bend, Indiana, and to the South Bend Wholesale Grocery Co., which was mentioned in the evidence.

"Count 4 is also in regard to that shipment.

"Count 5 charges a violation in regard to a shipment of Wesson oil mentioned in the information to E. R. Godfrey & Sons Co., Milwaukee, in the State of Wisconsin.

"The question for you to determine is whether this law has been violated by the defendant. The various counts in the information state specific offenses, and if you find from the evidence beyond a reasonable doubt that the defendant was guilty of violation of any or all of the counts in the information, you should find accordingly.

"There are two questions, as I see it, gentlemen, for you to determine in your consideration of this case. First, were the shipments referred to in the information interstate shipments? And in determining this question, you are to take into consideration all the books, papers, receipts, invoices, freight bills,

documentary and other evidence—and I might say, which seems to me to be conclusive of the interstate shipment—but which is a question of fact to be determined by you beyond a reasonable doubt as to whether or not there was an interstate shipment from all the evidence in the case.

“The second proposition is whether a violation of the law under the acts of Congress known as the Food and Drugs Act and which has been set out in the counts of the information.

“Now, I want at this time to give you this instruction, that this case must be decided by you on the evidence under the instructions of the court and not upon the statements of counsel outside of the evidence, unsupported by the evidence, if any such statements had been made. The evidence and law alone must govern your verdict. No question as to the result of the arraignment or anything of that kind should deter you in considering this case, or who is involved, or any of the parties therein, simply whether there was a violation of this law under the evidence proven in this case.

“The court instructs the jury that by the statute of the United States under which this prosecution is brought, providing in the case of food in package form, that it shall be deemed misbranded if the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count. It is also provided that reasonable variations shall be permitted and the court further instructs the jury that these variations if any shown by the evidence in this case were reasonable, is a question of fact to be determined by the jury on the evidence in the case.

“The court instructs you that the act of Congress approved March 3rd, 1913, provides that a food, if it be packed or contained in packages, that the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, provided however, that a reasonable variation shall be permitted by rules and regulations made in accordance with this section of this act.

“The court instructs you that the regulations made under this act of Congress, and bearing date May 11th, 1914, are within the terms of this act of Congress and are as binding as the act of Congress under which they were issued.

“The court further instructs you that the parts of these regulations applicable to the case on trial are as follows: ‘Discrepancies due’ [reads]. These discrepancies however, to be lawful, ‘shall be as often above as below’ the contents as marked on the package.

“The court further instructs you that the cans in question in this case are not small packages under the terms of the regulations.

“The court instructs you as a matter of law, that in considering the case you are not to go beyond the evidence to hunt up doubts, nor must you entertain doubts that are merely chimerical or conjectural. A doubt to justify an acquittal must be reasonable and must arise from a candid, impersonal investigation of all the evidence in the case, and unless it is such that were the same kind of doubt interposed in the ordinary transactions of life it would cause a reasonable and prudent man to hesitate because of doubts, it is sufficient to warrant a verdict. If on considering all the evidence, you have an abiding conviction of the truth of the charge, you are satisfied beyond a reasonable doubt.

“I instruct you that if you find from the evidence beyond a reasonable doubt that because cans containing the food product mentioned in the information bore any statement, design, or device regarding such articles or the ingredients or substance contained therein, which you would find to be false or misleading in any particular, then you should find the defendant guilty.

“I also instruct you as to the law in this case, gentlemen, and I wish to say to you that you have nothing to do with the penalty. You are to pass upon the facts, as given you, bring in your verdict accordingly; the penalty is for the court.

“Under the section of the Food and Drugs Act, so-called, the term ‘misbranded’ as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, designated or labeled food, shall bear any statement, design, or device regarding such article, or ingredients or substance contained therein which shall be false or misleading in any particular, and any drug, food, or product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced; then again, bearing on this section of the statute, if in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the

package in terms of weight, measure, or numerical count, provided, however, that reasonable variation shall be permitted [reads].

"Are there any suggestions?"

"Mr. PRATT. I have two. These should be made out of the presence of the jury, additional suggestions.

"The COURT. I can not take that up now.

"Mr. PRATT. I thought your honor asked for suggestions.

"The COURT. As to these regulations of the department, as I charged you, these regulations have the same effect as law and are binding just the same under the regulations, rules and regulations for the enforcement of the Food and Drugs Act on which this prosecution is based. There are certain regulations that are laid down by the heads of department, by the Secretary of Agriculture and the subordinate officers, for the conduct and regulation of these prosecutions. That is the method by which the evidence may be obtained, and among the other regulations I am now reading from Regulation 3: 'A sample for examination by or under the direction and supervision of the Bureau of Chemistry shall be collected,' first, by an authorized agent of the Department of Agriculture; second, a sample of food or drug [reads].

"Then again, referring to paragraph (d): 'At the time of the collection, all marks, brands or tags' [reads].

"I read that to you, gentlemen, to explain to you why these officers, these analysts and chemists and inspectors have proceeded according to the law and to the regulations of their department in getting these samples for inspection and examination and they are entitled to that consideration and not to criticism. 'Statement of weights shall be in terms' [reads].

"I think that is sufficient to govern you in this regard in your consideration of this case.

"As to the form of your verdict, gentlemen, if you find the defendant, the Southern Cotton Oil Co., guilty, the form of your verdict will be: 'We, the jury, find the defendant, Southern Cotton Oil Co., guilty as charged in the information.' (Signed by all the jurors.) If, on the other hand, you find them guilty on some counts and not guilty on others, the form of your verdict will be accordingly, only designating on what counts you find them guilty and on what counts you find them not guilty. If, on the other hand, you find the defendant, Southern Cotton Oil Co., not guilty, your verdict will be: 'We, the jury, find the defendant not guilty.'

"You will now return in charge of the sworn officer of this court to consider your verdict.

"Mr. PRATT. There are one or two suggestions; I think, your honor, that these regulations have been modified since this offense is alleged to have been committed. There is a very substantial modification.

"The COURT. I do not think that is material.

"Mr. PRATT. I should like to have the record show that I point that out.

"The COURT. All right.

"Mr. PRATT. And also the statement in the charge in regard to the proof of interstate commerce shipments. I should like to except to that.

"The COURT. All right."

The jury then retired and after due deliberation returned a verdict of guilty on March 9, 1923. On March 17, 1923, a motion for a new trial and in arrest of judgment was heard and overruled, and the court imposed a fine of \$600 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11681. Adulteration and misbranding of cider vinegar. U. S. v. Knight Packing Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 14355. I. S. No. 3506-r.)

On August 11, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Knight Packing Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 28, 1920, from the State of Oregon into the State of Washington, of a quantity of cider vinegar which was adulterated and misbranded. The article was labeled in part: "Knight's Cider Vinegar Knight Packing Co. Portland, Ore."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was cider vinegar diluted with water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower

and reduce and injuriously affect its quality and strength and had been substituted in part of cider vinegar, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Cider Vinegar," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of cider vinegar, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cider vinegar, whereas, in truth and in fact, it did not so consist but did consist in part of added water.

On January 13, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11682. Adulteration and misbranding of oats. U. S. v. 200 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16091. I. S. No. 4257-t. S. No. C-3496.)

On April 11, 1922, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of oats, remaining in the original unbroken packages at Jellico, Tenn., alleging that the article had been shipped by Callahan & Sons, Louisville, Ky., March 25, 1922, and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Average Net Weight 159 1/4 Lbs. * * * Callahan's Dixie Oats."

Adulteration of the article was alleged in the libel for the reason that wild oats, barley, corn, weed seeds, chaff, and dirt had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part, if not in whole, for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, No. 3 white oats.

On October 18, 1922, Callahan & Sons, Louisville, Ky., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be relabeled "Oats and Screenings."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11683. Adulteration and misbranding of olive oil. U. S. v. George Vafier (Pan-Italian Commercial Co.). Plea of guilty. Fine, \$200. (F. & D. No. 16240. I. S. Nos. 6609-t, 6610-t, 8505-t, 12376-t.)

On September 27, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Vafier, trading as the Pan-Italian Commercial Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of New York, in various consignments, namely, on or about April 1 and 4, 1921, respectively, into the State of Connecticut, on or about April 12, 1921, into the State of Ohio, and on or about September 23, 1921, into the State of Maryland, of quantities of alleged olive oil which was adulterated and misbranded. The article was labeled in part, variously: "Montone Brand * * * Pure Italian Olive Oil Extra Virgin * * * Net Contents One Gallon;" "Net Contents Full Gallon * * * Olio Sopraffino Qualita Superiore Olio Finissimo Cotton Seed And Olive Oil A Compound Tripolitania Brand;" "Finest Quality Table Oil * * * Termini Imerese Type Net Contents One Gallon Cotton Seed Salad Oil Slightly Flavored With Olive Oil;" "Lucca Brand Lucca Olio Sopraffino D'Olive * * * 1 Gallon Net Excellent For Table And Medicinal Use."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results: The Montone brand oil contained approximately 44 per cent of peanut oil; examination of 14 cans showed an average volume of 0.973 gallon. The Tripolitania brand showed the presence of soya bean oil and peanut oil; examination of 3 cans showed an average volume of 0.955 gallon. The Termini Imerese Type oil consisted of peanut oil with about 5 per cent of cottonseed oil and very little, if any, olive oil; examination of 17

cans showed an average volume of 0.931 gallon. The Lucca brand contained approximately 44 per cent of peanut oil; examination of 3 cans showed an average volume of 0.956 gallon.

Adulteration of the article was alleged in the information for the reason that oil or oils other than olive oil had been substituted in whole or in part for olive oil, which the article purported to be.

Adulteration was alleged with respect to the said Lucca brand oil, considered as a drug, for the reason that it was sold under and by a name recognized in the United States Pharmacopeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopeia, official at the time of investigation, in that it was an oil or oils other than olive oil derived from a source other than the ripe fruit of *Olea europaea*, whereas the said Pharmacopeia provides that olive oil be derived from the ripe fruit of *Olea europaea*, and the standard and the strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Pure Italian Olive Oil * * * Extra Superior Quality Olive Oil Guaranteed Under Chemical Analysis" and "Net Contents One Gallon," borne on the cans containing the Montone brand, the statements, to wit, "Olio Sopraffino Qualita Superiore Olio Finissimo" and "Olive Oil Tripolitania Brand," borne in prominent type on the cans containing the Tripolitania brand, not corrected by the statement in inconspicuous type, "Cottonseed," preceding the words, "Olive Oil," together with the design and devices of Italian shields, crowns, medals, and olive leaves, and the statement, to wit, "Net Contents Full Gallon," borne on the cans containing the said Tripolitania brand, the statements, to wit, "Finest Quality Table Oil * * * Termini Imerese * * * Net Contents One Gallon," not corrected by the statement, "Cotton Seed Salad Oil Slightly Flavored With Olive Oil," together with the design and device of an olive tree with natives gathering olives, borne on the cans containing the Termini Imerese Type oil, and the statements, to wit, "Lucca Brand * * * Olio Sopraffino D'Oliiva," "Excellent For Table And Medicinal Use," and "1 Gallon Net," together with the design and devices of branches bearing olives, borne on the cans containing the Lucca brand, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements, designs, and devices represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was an oil or mixture of oils other than olive oil, it was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon net of the article, but did contain a less amount. Misbranding was alleged with respect to the said Montone brand and the Lucca brand for the further reason that it was an oil or mixture of oils other than olive oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil. Misbranding was alleged with respect to the Montone brand, the Tripolitania brand, and the Termini Imerese Type oil for the further reason that it purported to be a foreign product when not so. Misbranding was alleged with respect to all of the said article for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11684. Adulteration of pepper relish, celery relish, and piccalilli. U. S. v. 52 Bottles of Pepper Relish, 52 Bottles of Celery Relish, and 78 Bottles of Piccalilli. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16309. I. S. Nos. 18519-t, 18521-t, 18522-t. S. No. C-3623.)

On May 10, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 52 bottles of pepper relish, 52 bottles of celery relish, and 78 bottles of piccalilli, remaining unsold in the original unbroken pack-

ages at Milwaukee, Wis., alleging that the articles had been shipped by the Chicago Food Products Co., Chicago, Ill., on or about July 18, 1921, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Square Seal S S Brand * * * Pepper Relish" (or "Celery Relish" or "Piccalilli") "Chicago Food Products Co. [Square Seal Food Products Co.] Chicago."

Adulteration of the articles was alleged in the libel for the reason that saccharin had been mixed and packed with and substituted wholly or in part for the said articles, for the further reason that they were mixed in a manner whereby damage and inferiority were concealed, and for the further reason that they contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render the said articles injurious to health.

On August 2, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11685. Misbranding of olive oil and adulteration and misbranding of salad oil. U. S. v. Nicholas Lyriotakis and Michael Lyriotakis (Lyriotakis Bros.). Plea of guilty. Fine, \$200. (F & D. No. 16847. I. S. Nos. 6624-t, 6690-t, 6691-t.)

On February 2, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas Lyriotakis and Michael Lyriotakis, copartners, trading as Lyriotakis Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 28, 1921, from the State of New York into the State of New Jersey, of a quantity of olive oil which was misbranded, and on or about May 20, 1921, from the State of New York into the State of Connecticut, of quantities of salad oil which was adulterated and misbranded. The articles were labeled in part, respectively: (Cans) "Net Contents $\frac{1}{2}$ Gallon Imported Pure Olive Oil Olio d'Olive Puro Vittoria Brand * * * Lyriotakis Bros. Importers & Packers New York;" "Il Famoso Olio per Insalata * * * Medaglie Universali Cotton Salad Oil $\frac{1}{2}$ Gallon Net" (or "1 Gallon Net").

Examination by the Bureau of Chemistry of this department of 10 cans of the olive oil showed an average volume of 0.986 quart. Analysis of a sample of the salad oil by said bureau showed that it consisted chiefly of cottonseed oil with little or no olive oil present; examination of 8 gallon cans and 7 half-gallon cans of the salad oil showed an average volume of 0.971 gallon and 0.99 half-gallon, respectively.

Misbranding of the olive oil was alleged in the information for the reason that the statement, to wit, "Net Contents $\frac{1}{2}$ Gallon," borne on the caps containing the article, regarding the said article, was false and misleading in that it represented that each of the said cans contained one-quarter gallon net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one-quarter gallon net of the article, whereas, in truth and in fact, each of said cans did not contain one-quarter gallon net of the said article but did contain a less amount.

Adulteration of the salad oil was alleged for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the said article purported to be.

Misbranding was alleged with respect to the said salad oil for the reason that the statement, to wit, "Olio per Insalata," borne in prominent type on the cans containing the article, and the statements to wit, " $\frac{1}{2}$ Gallon Net" or "1 Gallon Net," as the case might be, together with the designs and devices of olive leaves and Italian medals, borne on the said cans, not corrected by the statement in inconspicuous type, "Cotton Salad Oil," borne on the said cans, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained one-half gallon or one gallon net of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained one-half gallon

or one gallon net of the said article, as the case might be, whereas, in truth and in fact, it was not olive oil but was a mixture composed in part of cottonseed oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain one-half gallon net or one gallon net of the article, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the article was a mixture composed in part of cottonseed oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, "Olio per Insalata," that is to say, olive oil. Misbranding was alleged for the further reason that the statements, designs, and devices borne on the cans containing the article purported it to be a foreign product when not so.

Misbranding was alleged with respect to both products for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11686. Misbranding and alleged adulteration of cider vinegar. U. S. v. 8 Casks of Apple Cider Vinegar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17217. I. S. No. 10378-v. S. No. C-3873.)

On February 1, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 casks, each containing 4 dozen quart bottles of cider vinegar, at Topeka, Kans., alleging that the article had been shipped by the Springdale Vinegar Co., from Springdale, Ark., on or about July 31, 1922, and transported from the State of Arkansas into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Million Smiles Brand Pure Apple Cider Vinegar One Quart Springdale Vinegar Co. Springdale, Ark."

Adulteration of the article was alleged in the libel for the reason that vinegar made from boiled cider or similar material had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the said bottles, to wit, "Pure Apple Cider Vinegar," was false and misleading and calculated to deceive the purchaser, in that, in truth and in fact, the contents of the said bottles was not pure cider vinegar but was an imitation of pure cider vinegar.

On June 18, 1923, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its condemnation, and it was further ordered by the court that the product be sold by the United States marshal and that the purchaser give a bond in the sum of \$100, conditioned in part that it be not disposed of in violation of law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11687. Adulteration of shell eggs. U. S. v. Robert Nelson Stevens (Stevens Bros.). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 17249. I. S. No. 1107-v.)

At the March, 1923, term of the United States District Court within and for the District of Maryland, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Robert Nelson Stevens, trading as Stevens Bros., Greeneville, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 22, 1922, from the State of Tennessee into the State of Maryland, of a quantity of eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 112, or 7.7 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 23, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11688. Adulteration of walnut meats. U. S. v. 8 Cases and 6 Cases of Walnut Meats. Product released under bond to be sorted. Decree of condemnation, forfeiture, and destruction with respect to the bad portion. Good portion released to claimant. (F. & D. No. 17259. I. S. Nos. 8330-v, 8331-v. S. No. W-1310.)

On February 8, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cases of walnut meats at Seattle, Wash., consigned by the Magnus Fruit Products Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., in part on or about December 11, 1922, and in part on or about January 19, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Selected Dark Amber Meats 50 Net * * * Magnus Fruit Products Co. 301 Howard St. San Francisco, Calif." The remainder of the said article was labeled in part: (Case) "Dark Amber Meats * * * Magnus Fruit Products Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On April 6, 1923, the Magnus Fruit Products Co., San Francisco, Calif., having appeared as claimant for the property, and an order of the court having been theretofore entered permitting the release of the product under bond to be reconditioned, and the result of the reconditioning having shown that 620 pounds of the product were good and not in violation of law and that 30 pounds thereof were adulterated, a decree of condemnation and forfeiture was entered with respect to the said 30 pounds of the product, and it was ordered by the court that it be destroyed by the United States marshal and that the remaining 620 pounds be released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11689. Adulteration and misbranding of canned oysters. U. S. v. 160 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17446. I. S. No. 5517-v. S. No. C-3963.)

On April 5, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 cases of canned oysters, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Dixie Fruit Products Co., from Mobile, Ala., February 15, 1923, and transported from the State of Alabama into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "University Brand * * * Oysters Net Weight 10 Ozs."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Oysters Net Weight 10 Ozs." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1923, the Dixie Fruit Products Co., Mobile, Ala., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11690. Adulteration of coal-tar color. U. S. v. 1 Can, et al., of Red Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14661, 14662. I. S. Nos. 3691-t, 5847-t. S. Nos. E-3191, E-3202.)

On May 3, 1921, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and

condemnation of 2 cans of red coal-tar color, 1 can each at Irwin and Dubois, Pa., respectively, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about February 28, 1921, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "1 Lb. Net * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Complies With All Requirements * * * Quality Color * * * Number 112 Contents Red."

Adulteration of the article was alleged in the libels for the reason that sodium sulphate and sodium chlorid had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, namely, arsenic, which might render it injurious to health.

On June 26, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11691. Adulteration and misbranding of sirup. U. S. v. Wm. T. Bailey, John R. Bailey, and Fred O. Bailey (Marshalltown Syrup & Sugar Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 15445. I. S. Nos. 2101-t, 2102-t, 3469-t.)

On May 16, 1922, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wm. T. Bailey, John R. Bailey, and Fred O. Bailey, copartners, trading as the Marshalltown Syrup & Sugar Co., Marshalltown, Iowa, alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about October 21, 1920, from the State of Iowa into the State of Minnesota, of quantities of sirup which was adulterated and misbranded. A portion of the article was labeled in part: (Cans) "Dickinson's Pure Syrup * * * Put Up By Marshalltown Syrup & Sugar Co. Marshalltown, Iowa 50% Maple and 50% Cane." The remainder of the article was labeled in part: (Bottles) "R. M. Dickinson's 1 Full Quart Cane and Maple Syrup 50% Cane 50% Maple Put Up By Marshalltown Syrup & Sugar Co. Marshalltown, Iowa."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained not more than one-third maple or maple sugar sirup. Examination of the quart bottles showed an average shortage in the contents of the bottles examined of 3.9 per cent.

Adulteration of the article was alleged in the information for the reason that a product deficient in maple sirup had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for a product composed of 50 per cent of maple sirup and 50 per cent of cane sirup, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Pure Syrup * * * 50% Maple and 50% Cane," borne on the labels attached to the cans containing a portion of the article, and the statements, to wit, "Cane and Maple Syrup 50% Cane 50% Maple" and "1 Full Quart," borne on the labels attached to the bottles containing the remainder thereof, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not less than 50 per cent of maple sirup and that each of the said bottles contained 1 quart of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 50 per cent of maple sirup and that each of the said bottles contained not less than 1 quart of the said article, whereas, in truth and in fact, the said article did contain less than 50 per cent of maple sirup and each of the said bottles did contain less than 1 quart of the article. Misbranding was alleged with respect to the product contained in the alleged quart bottles for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 28, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11692. Misbranding of potatoes. U. S. v. Cowles Meade McMahan, Sr., Cowles Meade McMahan, Jr., and Kirby McMahan (C. M. McMahan & Sons). Pleas of guilty. Fine, \$100. (F. & D. No. 16020. I. S. No. 2352-t.)

On July 26, 1922, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cowles Meade McMahan, sr., Cowles Meade McMahan, jr., and Kirby McMahan, copartners, trading as C. M. McMahan & Sons, Birmingham, Ala., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about May 29, 1921, from the State of Alabama into the State of Missouri, of a quantity of potatoes in sacks which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 4, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11693. Adulteration and misbranding of vinegar. U. S. v. 15 Half-Barrels of Vinegar. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16319. I. S. Nos. 9330-t, 9334-t. S. No. E-3868.)

On May 16, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 half barrels of vinegar, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by the Fruit Products Co., from Savannah, Ga., on or about March 24, 1922, and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fruit Products Co. White Vinegar * * * Savannah, Ga. 60 Gr." (or "40 Gr.").

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the labels bore statements regarding the article, "White Vinegar * * * Pickling - Distilled * * * 60 Gr." or "White Vinegar Pickling - Distilled * * * 40 Gr.," as the case might be, which were false and misleading and deceived and misled the purchaser, since the article was not white vinegar of the designated strength but had been diluted with excessive water. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On December 15, 1922, no claimant having appeared for the property, and a jury having been impaneled and a verdict rendered for the Government, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11694. Adulteration of pink beans. U. S. v. 101 Sacks of Pink Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16340. I. S. No. 23427-t. S. No. C-3649.)

On May 27, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 101 sacks of pink beans at Wichita, Kans., alleging that the article had been shipped by the Great Western Milling Co., Los Angeles, Calif., on or about June 3, 1921, and transported from the State of California into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "Colorado Pink Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On August 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11695. Adulteration and misbranding of oil. U. S. v. 60 Cartons of Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16742. I. S. No. 7114-t. S. No. E-4074.)

On July 21, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cartons of oil, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about July 11, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "High Grade Oil Medaglia D'Oro Brand * * * Vegetable Salad Oil More Practical Than Olive Oil Oil A Compound Contents 1 Gallon Packed By B. Mayer, New York."

Adulteration of the article was alleged in the libel for the reason that oil other than olive oil had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore a statement, design, or device regarding the article or the ingredients or substances contained therein, as follows, "High Grade Oil Medaglia D'Oro Brand * * * Re d'Italia * * * Contents 1 Gallon Packed By B. Mayer, New York," together with design of medal apparently of foreign origin, also design showing Italian soldier on horseback in foreground, and conventional design of olive branches with background showing Italian scene, which statements, designs, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said labels bore the statement, "Contents 1 Gallon," which was false and misleading and deceived and misled the purchaser, since the statement was not correct. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, for the further reason that it was an imitation of or offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when, in truth and in fact, it was of domestic manufacture, and for the further reason that it was falsely branded as to the State in which it was manufactured or produced.

On October 16, 1922, Benjamin Mayer, New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned that it be relabeled in part as follows, "Corn Oil (Made in America) Contents: 3 Qt., 1 Pt., 12 Ozs. Distributed by B. Mayer New York," with similar statements in Italian.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11696. Adulteration and misbranding of tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 16798. S. No. E-4138.)

On September 5, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 18 cases of tomato catsup, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Paul DeLaney Co., Brocton, N. Y., on or about May 26, 1922, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Delco Brand Tomato Catsup * * * Packed By The Paul DeLaney Co. Inc. Brocton, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statement on the label affixed to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, to wit, "Tomato Catsup Made From Whole Ripe Tomatoes, Spices, Grain Vinegar, Salt, Sugar and Onions," not corrected by the statement appearing on the said label in an incon-

spicuous position and in small and indistinct type, to wit, "With Certified Color," was false and misleading and deceived and misled the purchaser in that the said statement represented the said article to be composed wholly of whole ripe tomatoes, spices, grain vinegar, salt, sugar, and onions, whereas, in truth and in fact, it contained added color.

On June 26, 1923, the Paul DeLaney Co., Inc., Brocton, N. Y., having consented to the withdrawal of the claim and answer theretofore filed in the proceedings and to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11697. Adulteration and misbranding of cider vinegar. U. S. v. 35 Cases, et al., of Pure Cider Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 17001, 17002. I. S. Nos. 5005-v, 5006-v, 5119-v. S. Nos. C-3836, C-3837.)

On November 28, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 100 cases, each containing 1 dozen quart bottles, and 55 barrels of cider vinegar, in part at Topeka and in part at Coffeyville, Kans., alleging that the article had been shipped by the Springdale Vinegar Co., from Springdale, Ark., in part on or about July 29 and in part on or about August 4, 1922, and transported from the State of Arkansas into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously, as follows: "Tee Pee Brand * * * Pure Cider Vinegar Contents, One Quart;" "Sunburst Brand Pure Cider Vinegar Contents One Quart;" "Springdale Vinegar Co. Million Smiles Brand Pure Apple Cider Vinegar Contents 52 Gal. Springdale, Ark."

Adulteration of the article was alleged in the libels for the reason that vinegar made from boiled cider or similar material had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing on the barrels or bottles, as the case might be, containing the said article, to wit, "Pure Cider Vinegar" and "Pure Apple Cider Vinegar," were false and misleading and were calculated to deceive the purchaser in that, in truth and in fact, the contents of the said barrels and bottles was not pure cider vinegar but was an imitation of pure cider vinegar.

On January 10 and February 5, 1923, respectively, the Springdale Vinegar Co., Springdale, Ark., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned that it be relabeled to show the true contents, and that the qualifying statement, "Made from Boiled Cider," be of equal prominence with the word, "Vinegar."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11698. Adulteration of canned frozen eggs. U. S. v. 20 Cans of Frozen Eggs. Default decree entered ordering destruction of the product. (F. & D. No. 17042. I. S. No. 3818-v. S. No. C-3845.)

On December 20, 1922, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cans of frozen eggs, remaining in the original unbroken packages at Madison, Wis., alleging that the article had been shipped by the Hanford Products [Produce] Co., Sioux City, Iowa, on or about November 14, 1922, and transported from the State of Iowa into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 9, 1923, no claimant having appeared for the property, a decree of the court was entered declaring the product to be adulterated and ordering that it be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11699. Misbranding of scratch feed. U. S. v. Quaker Oats Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 17130. I. S. No. 9350-t.)

At the November, 1922, term of the United States District Court within and for the Western District of Tennessee, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Quaker Oats Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 28, 1922, from the State of Tennessee into the State of South Carolina, of a quantity of scratch feed which was misbranded. The article was labeled in part: "100 Pounds When Packed Big Egg Scratch Grains No Grit The Quaker Oats Company Manufacturers And Distributors Address, Chicago, U. S. A."

Examination by the Bureau of Chemistry of this department of 68 sacks from the consignment showed that the average net weight of the sacks examined was 95.12 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that each of the said sacks contained 100 pounds of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds of the article, whereas, in truth and in fact, each of said sacks did not contain 100 pounds of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 28, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11700. Adulteration of baled hay. U. S. v. John North and William North (North Bros.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 12884. I. S. No. 11282-r.)

On April 12, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John North and William North, copartners, trading as North Bros., Kansas City, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 3, 1919, from the State of Missouri into the State of Nebraska, of a quantity of baled hay which was adulterated. The article was invoiced as prairie hay.

Examination of the article by the Bureau of Chemistry of this department showed that it contained strings of colored binder twine, long strands of hay wrapped with strings, and weeds and grass stems, evidently refuse from a carpet factory.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, factory refuse and twine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for prairie hay, which the article purported to be.

On May 27, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11701-11750.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 18, 1923.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11701. Misbranding of Pep-Tonic. U. S. v. 39 Bottles, et al., of Pep-Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15871, 15872, 15873. I. S. Nos. 2026-t, 2027-t, 2028-t. S. No. C-3385.)

On January 11, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 62 bottles of Pep-Tonic, in various lots at Salina, Luray, and Paradise, Kans., respectively, alleging that the article had been shipped by the Puritan Products Co., Clinton, Ill., on or about September 30, 1920, and transported from the State of Illinois into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 76 per cent of salt, 7 per cent of potassium permanganate, 9 per cent of potassium bichromate, and a small quantity of starch, in tablet form.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels of the bottles and cartons containing the said article and in the accompanying circular, to wit, (bottle) "A Medicine For The Prevention Of Cholera, Also Stomach And Intestinal Worms In Swine * * * We will refund your money if Pep-Tonic fails to prevent cholera, also stomach or intestinal worms in swine, when used strictly as per directions on bottle * * * Use Pep-Tonic The First Two Weeks * * * To Remove The Worms * * *. If the hogs have worms they will begin to come out by the end of the first week, but keep up the treatment for another week, then give as directed for prevention * * *. After you have given Pep-Tonic for two weeks, as above stated, give it three times each week, as a * * * prevention," (carton) "A Medicine For Prevention Of Cholera Also For Prevention And Expulsion Of Stomach And Intestinal Worms In Swine. * * * We will refund your money if Pep-Tonic fails to prevent cholera; also stomach or intestinal worms in swine, when used strictly as per directions * * *. Hog Cholera * * * Get rid of the worms. Pep-Tonic will do it, and will keep your hogs so healthy * * *. It is a worm and cholera medicine. It prevents the big losses caused by cholera and worms * * *. Pep-Tonic will kill and expel stomach and intestinal worms in swine * * *. You don't have to feed wormy hogs, Pep-Tonic will rid your hogs of them. Its use will keep hogs of any size, age, sex or condition in perfect health. Pep-Tonic does the work every time. No question about it and no question about results," (circular) "Feeding a hog that is wormy Means A Loss You Can Avoid. Keep your hogs healthy—Peptonic will do it * * *. No Worms

When You Butcher When you butcher, if you have used Peptonic the right way, you will find * * * the intestines * * * free from worms," were false and fraudulent, in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers thereof and to create in the minds of such purchasers the impression and belief that the article was composed of or contained ingredients or medicinal agents capable of producing the therapeutic effect claimed, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing such effect.

On April 28, 1922, and June 29, 1923, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11702. Adulteration and alleged misbranding of flour. U. S. v. 196 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16449. I. S. No. 14048-t. S. No. W-1105.)

On June 20, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 196 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Royal Milling Co., from Great Falls, Mont., March 16, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Manufactured For Royal Milling Co. Fancy Patent Ivanhoe Flour * * * Manufactured from Hard Wheat Great Falls, Mont. Bleached 49 Lbs."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the sacks containing the article, "49 Lbs." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 27, 1922, Galbraith & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and confessed judgment, a decree of the court was entered adjudging the product to be adulterated and ordering its condemnation, and it was further ordered that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision and to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11703. Adulteration of chloroform. U. S. v. 76 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16627. I. S. No. 3119-t. S. No. C-3701.)

On July 13, 1922, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 76 cans of chloroform, remaining in the original unbroken packages at Canton, Ohio, alleging that the article had been shipped from New York, N. Y., on or about March 1, 1922, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia.

On April 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11704. Adulteration and misbranding of canned salmon. U. S. v. 100 Cases of Salmon. Default decree of condemnation and forfeiture. Product delivered to State Game Commission for fish food. (F. & D. No. 16923. I. S. No. 7882-v. S. No. W-1236.)

On November 21, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of salmon, remaining in the original unbroken packages at Astoria, Oreg., alleging that the article had been shipped by J. G. Megler, from Brookfield, Wash., November 1, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Woody Island Brand Columbia River Pink Salmon * * * Brookfield Packing Co. Brookfield, Wash. Contents 7½ Oz."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that filthy, decomposed, and putrid Coho salmon had been substituted for pink salmon of good commercial quality.

Misbranding was alleged for the reason that the statement appearing in the labeling of the article, "Pink Salmon," was false and misleading and deceived and misled the purchaser.

On March 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. On June 1, 1923, an order of the court was entered that the product be delivered to the State Game Commission of Oregon, under bond in the sum of \$250, conditioned that it be used as fish food in the State fish hatcheries.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11705. Adulteration and misbranding of vinegar. U. S. v. 78 Barrels of Vinegar. Decree entered ordering release of the product under bond to be relabeled. (F. & D. No. 16994. I. S. No. 8858-v. S. No. C-2940.)

On November 23, 1922, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 78 barrels of cider vinegar at Youngstown, Ohio, alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., on or about October 4, 1922, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% * * * The Powell Corp. Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled and evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 26, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered ordering that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11706. Adulteration and misbranding of canned fish. U. S. v. 10,315 Cases of Canned Fish. Consent decree of condemnation and forfeiture. Product disposed of to Oregon State Fish Commission for use as fish food. (F. & D. No. 16998. I. S. Nos. 7866-v, 7867-v, 7868-v, 7869-v, 7870-v, 7871-v, 7872-v, 7874-v. S. No. W-1234.)

On November 27, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10,315 cases of canned fish at Astoria, Oreg., alleging that the article had been offered for export to a foreign country, namely, to Montreal, Canada, by the Tallant-Grant Packing Co., Astoria, Oreg., on or about November 2, 1922, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article (481 cases) was labeled in part: "Choice Alaska Kippered Sable Fish Packed By Tallant-Grant Packing Company Astoria, Oregon." The remainder of the article (9,834 cases) was unlabeled and consisted of salmon and mixed kippered fish.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance which had been substituted for normal fish of good quality.

Misbranding was alleged for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged with respect to the 481 cases of kippered sable fish for the reason that it was labeled in part, "Choice," which was false and misleading and deceived and misled the purchaser.

On February 10, 1923, the Tallant-Grant Packing Co., Astoria, Oreg., having appeared and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,750, in conformity with section 10 of the act, conditioned in part that it be disposed of to the Oregon State Fish Commission for use as fish food.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11707. Adulteration of canned salmon. U. S. v. 182 Cases of Canned Salmon. Default decree entered. Product delivered to State officials to be used in State fish hatcheries. (F. & D. No. 17122. I. S. No. 8314-v. S. No. W-1275.)

On January 12, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 182 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Southern Alaska Canning Co., from Port Walter, Alaska, October 6, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Moonrise Brand Medium Red Salmon Packed in Alaska by Southern Alaska Canning Co. Main Office Seattle, Wash. U. S. A. Contents 1 Lb."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 14, 1923, no claimant having appeared for the property, judgment of the court was entered ordering that the product be delivered to the State Fish Commissioner and the State Game Warden to be used in the State fish hatcheries.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11708. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Decree of condemnation entered. Product released under bond. (F. & D. No. 17512. I. S. No. 9001-v. S. No. E-4395.)

On May 16, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 250 sacks of cottonseed meal, remaining in the original unbroken packages at Shelburne Falls, Mass., alleg-

ing that the article had been shipped by the Humphreys-Godwin Co., from Memphis, Tenn., on or about April 20, 1923, and transported from the State of Tennessee into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds Net Danish Brand Cotton Seed Meal Guaranteed Analysis Protein 36.00% Equivalent Nitrogen 5.75% * * * Crude Fibre (Max.) 15.00% * * * Manufactured For Humphreys-Godwin Company Memphis, Tenn."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a substance low in protein, nitrogen, and containing excessive crude fiber, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was a product low in protein and containing excessive crude fiber and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed meal. Misbranding was alleged for the further reason that the article was labeled, "Cotton Seed Meal Guaranteed Analysis Protein 36.00% Equivalent Nitrogen 5.75% * * * Crude Fibre (Max.) 15.00%," which statements were false and misleading and deceived and misled the purchaser, in that they represented to purchasers that the article was cottonseed meal containing 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, and that it contained not more than 15 per cent of crude fiber, whereas, in truth and in fact, it was not cottonseed meal containing 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, and containing not more than 15 per cent of crude fiber, but was a product containing less than 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, and contained more than 15 per cent of crude fiber.

On July 12, 1923, the Humphreys-Godwin Co., Inc., Memphis, Tenn., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11709. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17641. I. S. No. 4307-v. S. No. C-4063.)

On July 11, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 tubs of butter, remaining unsold in the original tubs at Chicago, Ill., alleging that the article had been shipped by the Cuba City Creamery Co., Cuba, Wis., July 5, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat and high in moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 14, 1923, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department and that the tubs be marked with the net contents thereof.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11710 (supplement to N. J. 10371). Adulteration and misbranding of red, ponceau red, orange yellow, amarath red, and lemon colors, and alleged adulteration and misbranding of amaranth and caramella colors. U. S. v. W. B. Wood Mfg. Co., a Corporation. Decision of the Circuit Court of Appeals for the Eighth Circuit affirming the judgment of conviction in the lower court. (F. & D. No. 10915. I. S. Nos. 16316-p, 16317-p, 16318-p, 16319-p, 1459-p, 12007-p, 19865-p.)

On August 3, 1923, the case having come before the Circuit Court of Appeals for the Eighth Circuit on a writ of error, the judgment of the district court was affirmed as will more fully and at large appear from the following opinion of the court (Stone and Kenyon, *C. J.*, and Trieber, *D. J.*) (Stone, *C. J.*) :

"From a conviction for adulteration and misbranding of 'Red Color,' a coloring powder used in food preparations, this writ of error is sued out.

"The adulteration, causing misbranding, consisted of excessive quantities of sodium chloride, sodium sulphate, and some other substances which reduced the quality and strength of the powder.

"The errors here urged are: (1) Insufficiency of evidence; (2) five rulings upon evidence; and (3) improper comment by the court.

"We have carefully examined the evidence and entertain no doubt of its sufficiency to sustain the verdict and conviction.

"The first and second objections to the rulings on evidence are to the admission of certain testimony of the witness Jablonski. He was a fully qualified chemical expert who had specialized in coloring substances and compounds. He had chemically examined the precise cans of powder upon which the information was based. The substance of the criticised testimony was that the presence of the named substances in the quantity, or proportion, found by him in the powder would have the effect of lowering and lessening the quality and strength of the powder as a coloring substance. There was testimony in the record of the proportion of these substances present in properly prepared commercial powders. We think the witness was qualified to and properly did testify to the effect of such presence, in the quantities found, upon the powder.

"The third challenge as to rulings on evidence is to the exclusion of certain testimony of witness Kendall on cross-examination. The substance of these questions was whether it was customary to dilute a certain substance when using it in the manufacture of food colors. This was properly excluded for two reasons: The standard set by the statute is not what is customarily done by manufacturers but what is properly done by them; and this error was clearly invited by an earlier objection by this plaintiff in error, which was sustained, to the same character of evidence when offered by the Government. Error can not be inserted in a trial by thus alternately blowing hot and cold.

"The fourth objection is to the exclusion of certain testimony of witness Heath who was a manufacturer of such colors. The question was, 'What per cent of colors sold for food contain ten to fifty per cent of salt?' This was objected to and properly excluded as immaterial.

"The fifth objection is to exclusion of certain testimony of witness Wood, a manufacturer and jobber in colors. He was asked whether he had ever had any complaints from his customers concerning a certain coloring powder sold by his company. This evidence was clearly immaterial.

"The comment by the court, which is claimed to be objectionable, is not set out in the assignment of errors and only a portion thereof can be at all identified, even in the brief. This portion was not objected to nor any exception thereto preserved.

"The judgment is affirmed."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11711 (supplement to N. J. 9290). Misbranding of Newton's Eggno. U. S. v. Newton Tea & Spice Co., a Corporation. Decision of the Circuit Court of Appeals for the Sixth Circuit affirming the judgment of conviction in the lower court. (F. & D. No. 11123. I. S. No. 15473-r.)

On April 5, 1923, the case having come before the Circuit Court of Appeals for the Sixth Circuit on a writ of error, the judgment of the district court was affirmed as will more fully and at large appear from the following opinion of the Court (Knappen, Denison, and Donahue, *C. J.*) (Knappen, *C. J.*) :

"Plaintiff in error was proceeded against by information for the violation of the misbranding provisions of the National Food and Drugs Act (Act June 30, 1906, 34 Stat. 768, Chap. 3915, Secs. 2 and 8; U. S. Comp. Stat. 1916, Secs. 8717 and 8724). The article of food in question is an egg substitute

called 'Eggno,' whose principal ingredients and their relative proportions are commercial (imported) egg albumen and egg yolk, dried and pulverized (aggregating about 15 per cent), powdered and evaporated skimmed milk, about 35 per cent (as indicated by the Government's proofs, apparently much less by defendant's formula), and tapioca starch, between 40 per cent and 50 per cent. There were also contained small amounts of powdered sugar, vegetable gum, and salt, with an artificial coal-tar coloring, not alleged to be either injurious or unlawful. The product is not claimed to contain any deleterious ingredients or to be injurious to health. It is sold in packages containing 36 teaspoonfuls. The carton contains the label and statements which we reproduce in the margin.

"'Newtons Eggno Artificially Colored To Be Used In Place Of Eggs In Baking And Cooking 3½ Oz. Net An Excellent Substitute For Eggs Eggno is an excellent Substitute for Eggs and is to be used for Baking and Cooking purposes. Splendid for Cookies, Cakes, Muffins, Fried Cakes, Bread Puddings, Gravies. Just the thing for Griddle Cakes, Noodles, etc. Eggno is an article of real merit and is far superior to the usual Egg Substitutes on the market. Eggno contains the constituents that cause fresh eggs to fill such an important place in every kitchen. Eggno is the result of scientific research, is composed of pure materials, is nutritious and is economical, as one even teaspoonful is to be used in place of each egg called for in recipes requiring eggs. This package contains 36 even teaspoonfuls. Guaranteed to Conform to the Pure Food Laws. Directions Dissolve Eggno in lukewarm water or milk by first making a paste and then adding the balance of the water or milk. Use a teaspoonful for each egg called for in recipes requiring eggs. In baking use a trifle more Baking Powder than if eggs were used. Eggno does not take the place of Baking Powder. Prepared and Guaranteed By The Newton Tea & Spice Co. 12-14-16-18 East Second St. Cincinnati, Ohio.'

"The alleged misbranding consists in the following statements concerning the product and the constituents and uses thereof, viz, 'To Be Used In Place Of Eggs In Baking And Cooking * * * An Excellent Substitute For Eggs * * * to be used for Baking and Cooking purposes * * * Eggno contains the constituents that cause fresh eggs to fill such an important place * * * one even teaspoonful is to be used in place of each egg called for in recipes * * * Use a teaspoonful for each egg called for,' which statements are alleged to be false and misleading in that the product was not a substitute for eggs and could not be used in place thereof for baking and cooking; further misbranding being charged in that it was so labeled as to deceive and mislead purchasers into the belief, contrary to the fact, that the product was in truth a substitute for eggs and could be used in place thereof for baking and cooking. A motion to quash the information because indefinite and argumentative, and because the court had no jurisdiction, was overruled (275 Fed. 394), as was a demurrer to the information as not stating facts constituting an offense against the Federal laws. There was trial to a jury. A motion to direct verdict for defendant was overruled, and the case submitted, resulting in verdict and judgment for the Government.

"The meritorious controversy arises from the opposing contentions of the Government and defendant, respectively, as to the scope of the comparison of the value of eggs and Eggno. The Government contends that such comparison must take into account their respective food values, and presents undisputed evidence that while eggs contain in marked degree not only proteids or tissue-building elements absolutely necessary to growth, but calorific or energy-supplying elements, Eggno contains neither of those elements to more than about one-seventh the extent, as do eggs (which is, in effect, about the proportion in which egg constituents enter into the manufactured product); and thus that Eggno signally fails in food value. The Government also introduced testimony to the effect that Eggno was inferior to eggs, in that the latter produced the better baked product, both as respects consistency and taste. Defendant contended that as Eggno was intended only for use in baking and cooking, the question of comparative food value should be entirely disregarded, and that the comparison should be confined to the qualities of binding or settling, or producing desired fluffiness, texture, flavor, and color, and presented evidence sharply conflicting with that of the Government concerning the effectiveness of Eggno as compared with eggs, with respect to appearance and flavor of baked and cooked products.

"In overruling motion to direct verdict for defendant, the trial judge rejected the proposition that, as matter of law, the comparative nutritive values

of Eggno and eggs should not be taken into account, and left it to the jury to find as facts whether the statement on the carton that one even teaspoonful is to be used in place of each egg called for in cooking recipes is equivalent to an assertion that one teaspoonful is equal to an egg in such recipe; whether Eggno contains the constituents which cause fresh eggs to fill such an important place in the kitchen; whether Eggno is a substitute for eggs as that language would be understood by the ordinary purchaser; and whether one teaspoonful of Eggno may properly be used in cooking recipes in place of each egg called for. The jury was instructed that if the product in question is in fact well adapted to be used instead of eggs in baking and cooking, and if it is in truth genuinely fit to be used in place of eggs for those purposes, then the label is not false, but that if Eggno was not well fitted to be used as a substitute for eggs in baking and cooking and if it is not genuinely well adapted to be used in place of eggs, then the label was false. The jury was further instructed that the question is not, on the one hand, whether the product is absolutely worthless, or, on the other hand, whether it is a complete and perfect substitute for eggs in all respects, but that the true question is whether the language of the label complained of in the information is false and misleading to the ordinary purchaser in the respects charged therein.

"In our opinion the motion to quash the information was rightly overruled. The statute (C. S. Sec. 8724-4) provides that an article of food shall be deemed to be misbranded 'if the package containing it or its label shall bear any statement * * * regarding the ingredients or the substances * * * therein, which statement * * * shall be false or misleading in any particular.' We think the information is not subject to criticism as being indefinite and argumentative. The certainty required in the information is only such as will fairly inform the defendant of the offense intended to be alleged, so as to enable it to prepare its defense and so as to make the judgment a complete defense to a second prosecution for the same offense. (*United States v. Hess*, 124 U. S. 483; *Tyomies Publishing Co. v. United States*, C. C. A. 6, 211 Fed. at p. 389; *Bettman v. United States*, C. C. A. 6, 224 Fed. 819, 826-7.) We think defendant was by the information in question sufficiently informed of the nature of the accusation and was fully protected thereby. It is the general rule that it is enough to describe a statutory offense in the words of the statute; and if in this case defendant was in doubt whether the Government would claim that the product contained the same food value as eggs, or that it lacked leavening or some health-producing quality, it was open to it to apply for such additional information by way of a bill of particulars. (*Dierkes v. United States*, C. C. A. 6, 274 Fed. 75, 77, 79, et seq.) No such request was made.

"The asserted lack of jurisdiction of the court is based in part upon the proviso to the section above quoted, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded (in the case of mixtures or compounds known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article), if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced. We think this proviso has no application to a case where, as here, the charge is misbranding, and is directed not against the name, but against the false statements upon the label. (*United States v. 150 cases, etc.*, D. C., 211 Fed. 360; *United States v. 40 Bbls. etc.*, D. C., 191 Fed. 431, 440.)

"Nor do we see any merit in the proposition that the statement on the label that Eggno is an excellent substitute for eggs and is to be used for baking and cooking purposes is merely one of opinion, and so within the *Johnson* case (221 U. S. 448, 489) where it was held that a statement on the labels of bottles of medicine that the contents are effective as a cure for cancer is not within the statute, even if misleading, as being false only in its commendatory and prophetic aspect. Such is not the case with the label we are here considering. It not only represents the product as a substitute for eggs—a representation, the effect of which, if it stood by itself, we are not called upon to consider—but it states as facts that the product can be used in place of eggs for baking and cooking, that it is nutritious, and that it contains the constituents of fresh eggs. Regardless of the claimed literal truth of each one of these assertions, they must be taken in connection with each other and with the further recommendation that one teaspoonful be used in place of one egg, and in connection with the further fact that this label was not intended

to be carefully dissected with a dictionary at hand, but rather to produce an impression upon the ordinary purchaser of such an article and, when so taken, it was open to the jury to conclude that these representations were intended to produce the belief that one teaspoonful of the product was substantially equivalent to one egg for all the purposes, including nutrition, involved in the use of eggs in baking and cooking. With that interpretation, of course, these statements pass beyond mere commendation; and in the aspect of the case presented by the contention that verdict for respondent should have been directed, it is not necessary to consider what would have been the effect of the label if any part of it had been omitted.

"In our opinion the trial judge did not err in refusing to withdraw from the jury's consideration the question of the comparative nutritive value of Eggno. In view of the statements in the label to which we have just referred, the mere reference to baking and cooking is not, in our opinion, enough to confine the statements of quality to considerations of appearance and flavor. The terms 'baking' and 'cooking' relate to foods, and eggs are a well-known article of food, not only alone, but in combination with other articles of food. Granted that the statement that an article is or may be used as a substitute for another article does not amount to an assertion that it is as good for all purposes as such other article, in our opinion the statements upon the label, considered together, can reasonably mean, and could reasonably have been intended to mean, no less than that in ordinary culinary compounds Eggno would produce the same or similar results as eggs.

"It follows from these views that there was no error in the admission of testimony as to the comparative food value of eggs and Eggno. Nor do we think the court erred in refusing defendant's special requests to charge, many of which were expressly based upon the elimination of food values from consideration. While each of the rejected requests did not in terms declare such elimination, all, as frankly said by defendant's counsel (we do not use his statements in detail or in his exact words), were designed to convey to the jury defendant's contention that the nutritive value of a whole egg for all purposes was not in issue, and that the evidence already admitted as to the tissue-building and energy-supplying elements of eggs was incompetent.

"It is thus not material whether or not in the case of some of the refused requests a sufficient ground of refusal was stated. At least as applied to the facts in this case, we find no error in the instruction that the purpose of the label was to 'truthfully advise the purchasers of the contents.' We say this in full recognition of the fact that a label may, in the absence of fraud, be entirely void of any statement of content, and be entirely outside the provisions of the act; but in this case defendant undertook to state generally the nature of the contents of the package.

"While we have not discussed, in detail each argument presented by defendant in favor of its contentions, we have carefully considered them all, with the result that we find no error in the proceedings below.

"The judgment of the district court is accordingly affirmed."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11712. Misbranding and alleged adulteration of Sparkling White Seal. U. S. v. 9 Cases of Sparkling White Seal and U. S. v. 9 Cases of Sparkling White Seal. First case tried to the court and a jury. Verdict and judgment for Government. Case taken to U. S. Circuit Court of Appeals on writ or error. Judgment of lower court affirmed by Circuit Court of Appeals. Decree of condemnation, forfeiture, and destruction. Answer filed by claimant in second case withdrawn. Decree of condemnation, forfeiture, and destruction entered. (F. & D. Nos. 14224, 14636. I. S. Nos. 7619-t, 7621-t. S. Nos. E-3033, E-3166.)

On January 19 and March 17, 1921, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two libels, and on May 10, 1921, an amendment to each of the said libels, praying the seizure and condemnation of 18 cases of Sparkling White Seal, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Duffy-Mott Co., New York, N. Y., alleging that 8 cases containing large bottles and 1 case containing small bottles of the product had been shipped from New York, N. Y., on or about January 27, 1920, and that 2 cases containing large bottles and 7 cases containing small bottles of the product had been shipped from Bouckville, N. Y., on or about September 14, 1920, and that both consignments of the article had been transported from the

State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Sparkling * * * White Seal * * * Made By Duffy-Mott Co. Inc. New York;" (neck label) "Sparkling White Seal Original D M Co Inc. Bottling."

Adulteration was alleged with respect to a portion of the article for the reason that a substance, to wit, artificially carbonated apple juice, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged with respect to the remainder of the said article for the reason that apple juice flavored with capsicum had been mixed and packed with and substituted wholly or in part for the article. Adulteration was alleged with respect to the product involved in both consignments of the article for the further reason that it was mixed in a manner whereby its damage or inferiority was concealed.

Misbranding of the article was alleged in the libels as amended for the reason that the retail packages in which the article was inclosed had affixed thereto labels which bore certain statements regarding the said article and the ingredients and substances contained therein, to wit, "White Seal," "White Seal Registered," and "Sparkling," which statements were false, in that they represented the article to be a product known as White Seal beverage, which is White Seal champagne, that it was an article, the name of which was registered according to law, and that it was sparkling, whereas, in truth and in fact, it was not White Seal champagne and was not sparkling, but was an imitation of a sparkling article and was an apple juice, artificially carbonated and containing capsicum, and it was not an article, the name of which was a trade mark registered according to law. Misbranding was alleged for the further reason that the said retail packages had affixed thereto labels which bore the statement, to wit, "White Seal Registered," which was misleading in that the said statement represented the article to be "White Seal Registered," that is, White Seal champagne, the name of which, White Seal, was a trade mark registered according to law, whereas, in truth and in fact, it was not White Seal champagne with a trade mark, "White Seal," registered according to law, but was apple juice artificially carbonated and containing capsicum. Misbranding was alleged for the further reason that the said packages bore the statement, to wit, "Sparkling White Seal Registered," and bore designs and devices regarding the said article and the ingredients and substances contained therein, to wit, the cork and neck of the said packages were wired, tin-foiled, and dressed in the manner and way in which the cork and neck of White Seal champagne are wired, tin-foiled, and dressed, which said statements, designs, and devices were misleading, in that they represented the article to be White Seal champagne, whereas, in truth and in fact, it was not White Seal champagne but was an apple juice artificially carbonated and containing capsicum. Misbranding was alleged for the further reason that the article was an imitation of White Seal champagne, prepared so as to simulate in appearance, in color, and in effervescence the appearance and positive qualities of White Seal champagne, whereas, in truth and in fact, it was not White Seal champagne but was an apple juice, artificially carbonated and containing capsicum.

On November 15, 1921. the first case involving 9 cases of the product came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court charged the jury as follows (Thompson, J.) :

"Members of the jury: This proceeding is brought by the United States for the seizure and forfeiture of nine cases of Sparkling White Seal. The proceeding is brought under what is known as the Pure Food and Drugs Act. That act was passed about fifteen years ago, and had for its purpose the prevention of transportation in interstate commerce, going from State to State, of articles of foods and drugs that were adulterated or misbranded. In this case we are not concerned with drugs, we are not concerned with adulteration, but we are merely concerned with the alleged misbranding of an article which comes under the class of foods; that is to say, under this act articles fit for use as drinks are included as foods under the terms of the act.

"The law provides that if any misbranded articles are being transported in interstate commerce, from one State to another, they may be seized, and the district attorney on behalf of the Government brings a proceeding to forfeit those articles. That is how this suit began.

"The particular paragraph of the act under which the Government is proceeding in this case is the one which provides that an article shall be deemed misbranded, in the case of food, 'If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.'

"So that in considering this case you are to consider whether the package or its label bears any statement, design, or device regarding the contents of the bottle, which are false or misleading.

"The test of the question as to whether a statement is misleading, or whether a design or device is misleading, is as to whether it would deceive a person of ordinary intelligence in purchasing the package.

"The Government contends in this case that because the package was marked, 'Sparkling White Seal,' it was misleading to the ordinary purchaser in that he would think that he was buying White Seal champagne, and it is contended that not only the statement itself is to be taken into consideration, but the manner in which the product is put up and bottled and the manner of the dress of the bottle, which counsel on both sides have referred to.

"On the question of the shape of the bottle, or the sort of cork or wiring with which the bottle is prepared, a bottler has a perfect right to use any shape bottle which suits his fancy, and he has a perfect right to use any sort of cork and wiring for that bottle. So that those things in themselves intrinsically have nothing to do with this case. It is only in the relation that they bear to the effect on the public of whatever is contained on the label or the design or the device regarding the contents. A cork is not a device regarding the contents; neither is a wire; neither is the shape of the bottle. It is only when what is actually contained on the label itself or when any device or design on the label regarding the contents are so associated with the shape of the bottle or manner in which it is put up that they can be taken into consideration.

"The label on the bottle calls this 'Sparkling White Seal.' The owner or the bottler of the beverage has a perfect right, ordinarily, to use any name that suits his fancy for the beverage which he is selling to the public. He can call it 'Sparkling White Seal' or he can call it 'Coca-Cola' or he may call it whatever name suits his fancy so far as the purpose of this act is concerned, unless the name on the label is such as to mislead the public into thinking that it is something else than it is. So that is the point of view from which it is the duty of the jurors to consider the evidence in this case.

"There has been considerable evidence here on the part of men who are wholesale distributors and retailers as to whether or not the words, 'Sparkling White Seal,' put on a bottle fixed up as this bottle is, would mislead a person into thinking that it was champagne. There seems to be no dispute in the case that a dealer would necessarily not be deceived or misled into the belief that a bottle containing the words, 'Sparkling White Seal,' is champagne. If he did he would know, of course, that the man who was selling it to him had no right to sell him 'Sparkling Champagne' or 'White Seal Champagne,' and I think it is generally conceded in the case that dealers who have their eyes open would not be deceived at all. So that the only question for you to determine is whether a consumer would be deceived into thinking that the contents of this bottle was champagne. It is a question for the jurors to consider as a question that might be put up to them or put up to people whom you know are ordinarily intelligent. Would they be misled by the words, 'Sparkling White Seal,' into thinking that they were getting champagne? That is the point of view from which the jury will have to determine this case.

"Take into consideration the fact that there is such a product as White Seal champagne; that incidentally it has been unlawful to sell that, except under orders of a physician, since February 20, 1920; and that the article in this case, as I recall the evidence—the fact is for you to determine—first came out under this label since that time. It is for you to consider, therefore, whether the statement, 'Sparkling White Seal,' is sufficient in connection with the shape of the bottle, the style of the cork, the wrapping, the tin foil, and so on, taken in connection with everything else that is on the bottle, to lead anyone of ordinary intelligence to think that he was getting champagne when he asked for Sparkling White Seal. A man may call his beverage 'sparkling' if it is sparkling. That is no fraud on the public. He may call it White Seal and adopt that as his name for the article if that suits his fancy, and if he happens to infringe on someone else's trade-mark, that is a matter between him and the

party having the trade-mark, a matter with which we are not concerned in this case except in so far as it will affect the public who are buying the article.

"If the jury believe that the use of the words, 'Sparkling White Seal,' taken in connection with the way the bottle is put up, is a misleading statement, and taken in connection with everything else that is contained on the label the jury believe that the public generally would be deceived into thinking that they were buying champagne when in fact they were getting carbonated apple juice, with some capsicum in it, then the Government has made out its case.

"A statement may be misleading in many respects. It may be misleading by what it says. It may be misleading by what it fails to say. Under the charge in this case, you must find, if you find in favor of the Government, that it was misleading in the sense that it would be mistaken for champagne. The fact that it does not show it is apple juice, or it does not show that it has capsicum in it, or that it does not show that it is carbonated,—those are matters of no consideration at all unless they deceive a person into thinking that it is what the Government says that its label in this case would deceive a person into thinking it was. In other words, the Government has stood on the charge of similarity in labels. The jury must find not that they might think it was some other kind of apple juice, or they might think it was some other kind of beverage, but they must think it was champagne. If the public is not deceived into thinking it is champagne, then the Government has failed to make out a case.

"The burden is on the Government in this case to satisfy the jury by a preponderance of the evidence that the charge against this particular article is made out. If the Government has failed to convince you that the public generally would be misled, then your verdict should be for the defendant. If the Government has produced sufficient evidence from which you believe that the ordinary purchaser would be misled into supposing that he was buying champagne when in fact he was getting this other article, then your verdict should be for the Government.

"The defendant has offered in evidence other bottles containing apple juice cider and other things of the same shape. So that it is apparent, that evidence being uncontradicted, that the same shape of bottle has been used for other things than champagne for a considerable time. Therefore, if you find from the evidence that it would be a mere mistake of the purchaser, supposing he was getting one sort of apple juice when he was getting another, he would not be misled within the pleadings in this case. The Government has got to make out its case as it has alleged it.

"The district attorney has asked me to charge you on certain points in the case. The first point is declined.

"The second point reads as follows: '2. You may consider whether the words, "White Seal," is [are] sufficiently known in connection with White Seal champagne as to be misleading when used in connection with an article of the style and general make-up and labeling of this article.' That point is affirmed.

"The third point is declined.

"'4. If you find that the package containing the article or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular your verdict must be for the Government.' That point is affirmed.

"The fifth point is declined. This is not a trade-mark case.

"The defendant has asked me to charge you on certain points.

"'1. There is no claim by the Government that the contents of the bottles, which are the subject matter of this suit, are in any way injurious to public health. The only complaint against the said bottles is that they are misbranded, in that the public is deceived into the belief that the contents are champagne.' That point is affirmed. 'If you find that there is no misbranding of the contents, then your verdict should be for the defendant.' That is part of the same point, and it is affirmed.

"The second point is declined. I am declining these points because they contain a long recital of the contention of counsel for the defendant, which, in my opinion, is no part of the charge.

"The third point is declined.

"'4. It has not been shown by the Government that these bottles have been sold as containing champagne, but even were this so, it might be an offense upon the part of the vendor who misrepresented the goods, but unless the

bottles themselves are branded in such a way as to deceive the public, the fact that someone misrepresented their contents would have no effect upon the situation, and if you find that there was no misbranding, then your verdict should be for the defendant.' That point is affirmed.

"The fifth point is declined.

"'6. There is no provision under the laws of the United States which in any way seeks to prevent the use by vendors of a trade name or title upon the packages containing the goods which they sell, and I charge you that so far as the words, "Sparkling White Seal," are concerned, that was a perfectly legal phrase to be used upon the bottles which are the subject of this suit, provided you find that the use of this phrase was not a statement, design, or device, regarding the article contained in the bottles or the ingredients or substances contained therein, which was false and misleading, and that this branding of this name is of such a character as to deceive or mislead the purchaser into believing that he or she was purchasing champagne. If you find, therefore, the use of this phrase or the branding of the bottle shown was not of such a character as to deceive or mislead purchasers, then your verdict should be for the defendants.' That point is affirmed.

"'7. The Government does not claim that anyone was deceived in the purchase of this product by supposing that they were obtaining champagne excepting those who were thus participating in a sale which would have been illegal if it had been champagne. I charge you, therefore, that the Food and Drugs Act was not enacted to protect those engaged in violating the law. If you find that none others were so deceived, your verdict should be for the defendant.' After reading that point, I conclude to decline it. Parties purchasing champagne under a physician's prescription are entitled to protection.

"'8. By the Service and Regulatory Announcement 366 in S. R. A., Chem. 26, issued December 30, 1920, by the United States Government, the following appears as a statement of the decision of the Government in reference to the use of the word "sparkling": "As a result of prohibition legislation conditions have now changed to such an extent that the use of the term 'sparkling' on fruit juices, which are unfermented, is no longer regarded as deception or misleading." As the plaintiffs in this case, therefore, do not claim that the use of the word "sparkling" on fruit juices of the character contained in the bottles which are the subject of this suit is illegal, and if you find that the use of that word is the basis for the claim that these bottles are calculated to deceive or mislead the public, your verdict should be for the defendant.' That point is affirmed. It only applies in case you find that the sole charge of misbranding is based on the use of the word 'sparkling.'

"'9. The Government is bound to convince you by a fair preponderance of evidence that the markings on these bottles which are the subject of the suit are of such a character as to deceive and mislead purchasers thereof into a belief that they are buying champagne, and if the Government has failed to so convince you, then your verdict should be for the defendants. In a case of this character, the burden is on the United States to satisfy you that the branding is of such a character as will deceive the public.' That point is affirmed.

"The tenth point is declined.

"The plaintiff's first point, which was declined by the court, reads as follows: '1. You may consider whether the style of dress and general make-up of this bottle containing this article, without any word or words plainly descriptive of the article, is misleading.'

"The plaintiff's third point, which was declined by the court, reads as follows: '3. I charge you that the purpose of a label is to truthfully advise the purchaser of its contents. This is the purpose of the label or should be.'

"The plaintiff's fifth point, which was declined by the court, reads as follows: '5. A trade-mark is not by itself such property as can be transferred, and the right to use it can not be assigned except as incidental to the transfer of the business or property in connection with which it has been used. A transfer of the right to use it in connection with a different article, or one of a different manufacture, would result in deceiving the public as to the article or its origin, which it is the sole legitimate purpose of a trade-mark to present.'

"Defendant's second point, which was declined by the court, reads as follows: '2. It is necessary that the Government should establish to your satisfaction that the bottles which are the subject of this suit are branded in such a way as to deceive the purchasers of the same, in that they are induced

to believe that the contents of the bottles consist of champagne. It is contended by the defendants that no such deceit can possibly arise by reason of the fact that there is no mark or indication upon the bottles that the same contain champagne, and that there is no champagne in existence which has been sold under the name of "Sparkling White Seal;" there is or was a champagne known by the name of "White Seal" but the word "sparkling" was not attached to the same, and the bottle of this champagne which has been offered in evidence does not bear either labels or marks which in any way resemble the bottles which are the subject of this suit. It is necessary for you to find that these bottles about which complaint is made are marked and dressed in such a way as would deceive the public into believing that they were buying champagne, and unless you can find that the marking and dressing of the bottles is of such a character as would so deceive the public, your verdict should be for the defendants.'

"Defendant's third point, which was declined by the court, reads as follows: '3. It is contended by the defendants that no purchaser could be deceived by the marking or dressing of the bottles which are the subject of this suit by a belief that he or she was purchasing champagne. Since the prohibition law went into effect it is illegal or criminal for anyone to sell champagne excepting under the orders of a physician and, as the vendors and purchasers of drinks at the present time are presumed to be innocent of any intent to break the laws of their country, it is contended by the defendants that there is a presumption which applies to both vendor and purchaser of drinks that neither of them will violate the law and that this presumption enters into the question of deceit as regards these bottles, since no person can be accused without evidence of intending to violate the law by the purchase of an unlawful drink, and if you find this to be the condition you may presume that neither the vendors or the purchasers of these bottles could be deceived into believing that they were purchasing champagne, and if you so find, your verdict should be for the defendants.'

"Defendant's fifth point, which was declined by the court, reads as follows: '5. It is further contended that those who are familiar with champagne could not by any possibility be deceived into purchasing the contents of those bottles as champagne, since there is no name upon them which refers to the contents as being champagne and the bottles themselves are marked and dressed in a manner entirely different from any bottles containing champagne which have been produced by the Government. It is contended that those who do not use champagne could not be deceived for they would not purchase these goods as champagne, and those who are familiar with champagne would not purchase the goods because they would be certain from their experience that they were not getting champagne in a bottle marked and dressed as these bottles are.'

"Defendant's seventh point, which was declined by the court, reads as follows: '7. The Government does not claim that anyone was deceived in the purchase of this product by supposing that they were obtaining champagne excepting those who were thus participating in a sale which would have been illegal if it had been champagne. I charge you, therefore, that the Food and Drugs Act was not enacted to protect those engaged in violating the law. If you find that none others were so deceived, your verdict should be for the defendant.'

"Defendant's tenth point, which was refused by the court, reads as follows: '10. Under all the evidence in this case, your verdict should be for the defendant.'

"The COURT. I will say to the jury in this case that your verdict must either be for the plaintiff or for the defendant. There will be no damages of any sort. It will be merely a verdict for the plaintiff or for the defendant."

The jury then retired and after due deliberation, on November 16, 1921, returned a verdict for the Government. On January 9, 1921, a motion for a new trial was denied by the court. On March 18, 1922, judgment was filed. On January 15, 1923, the case having been taken to the Circuit Court of Appeals for the Third Circuit on a writ of error, the judgment of the lower court was affirmed as will more fully and at large appear from the following opinion (Buffington, C. J.):

"In the court below, the Government seized for forfeiture nine cases of Sparkling White Seal, which the Duffy-Mott Co. appeared and claimed. Thereupon, the alleged cause of forfeiture was tried by a jury and a verdict having been found for the Government and judgment entered thereon, claimant brought this writ of error.

"The decisive question is the alleged error of the court in refusing claimant's request for binding instructions. After examination of the issue and proofs, we are of opinion the point was properly refused.

"The proceeding was under the Pure Food and Drugs Act which provides: "an article shall [also] be deemed [to be] misbranded * * * In the case of food: * * * If the package containing it or its label shall bear any statement, design, or device * * * which statement, design, or device shall be false or misleading in any particular."

"The proofs show a well-known brand of champagne, called White Seal, was sold in a distinctive bottle, the mouth of which was sealed with a white cap or covering. Such champagne could be sold by a druggist on prescription under legal permit. The claimant put carbonated apple juice, with capsicum added, into bottles, which in form and dress bore semblance to the White Seal champagne, and labeled them 'Sparkling White Seal.'

"Referring to some, but not all of the testimony, one witness, experienced in the champagne trade, testified: 'The appearance of the bottle is misleading. At a distance I would think it was a pint of champagne.' The testimony of another experienced witness was:

"Q. In "design" and "device," can you say whether or not that bottle is misleading?"

"A. It appears to me from here a bottle of champagne, as I would understand it."

"Q. Can you say whether or not in its general make-up it is misleading?"

"A. In its general make-up it is, to my mind."

"Q. In the trade, would it be generally misleading to the trade, to the consuming trade?"

"A. It all depends. It would depend on where the goods were sold. If they were sold in a grocery store I do not think so. If in a drug store, they might."

"Q. But I mean in its make-up without respect to where it was sold?"

"A. In the style of the package you mean, in other words?"

"Q. Yes."

"A. The style of the package is misleading."

"Q. The style of the package is misleading?"

"A. Yes, sir."

* * * * *

"Q. And if you could have read the words "Duffy-Mott" from your seat upon the witness stand, you would not have answered, would you, that it looked like champagne?"

"A. On the table there it looks like a champagne package, and I might say it looks like a bottle of champagne, unless I looked at the bottle closely and saw the label, then I would know it was not."

"The court below rightly summed up the substantial question involved in the case in these words: 'If the jury believe that the use of the words, "Sparkling White Seal," taken in connection with the way the bottle is put up, is a misleading statement, and taken in connection with everything else that is contained on the label the jury believe that the public generally would be deceived into thinking that they were buying champagne when in fact they were getting carbonated apple juice, with some capsicum in it, then the Government has made out its case. * * * The jury must find not that they might think it was some other kind of apple juice, or they might think it was some other kind of beverage, but they must think it was champagne. If the public is not deceived into thinking it is champagne, then the Government has failed to make out a case.'

"Under such proofs, manifestly the court would have been in error had it withdrawn the case from the jury.

"Finding the mode of submission and charge to the jury were fair and without error, the judgment below is affirmed."

On May 21, 1923, a decree of the court was entered adjudging the product to be misbranded and ordering its condemnation, forfeiture, and destruction.

On June 13, 1923, the answer of the Duffy-Mott Co., claimant in the remaining case, having been withdrawn, judgment of condemnation and forfeiture was entered with respect to the remaining cases of the product, and it was ordered by the court that it be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11713. Adulteration and misbranding of vinegar. U. S. v. 7 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16528. I. S. No. 4801-v. S. No. C-2936.)

On November 14, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 barrels of vinegar at Hamilton, Ohio, consigned by the Powell Corp., Canandaigua, N. Y., on or about October 3, 1922, alleging that the article had been shipped from Canandaigua, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% * * * Man'd By The Powell Corp. Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On May 3, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the facts set forth in the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11714. Adulteration and misbranding of canned salmon. U. S. v. 38 Cases of Salmon. Product sorted and good portion released to claimant. Decree of condemnation and forfeiture with respect to bad portion; product delivered to State Fisheries Department for fish food. (F. & D. No. 16898. I. S. No. 7743-v. S. No. W-1225.)

On October 27, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 38 cases of salmon at Seattle, Wash., alleging that the article had been shipped by W. A. Estus, from Seldovia, Alaska, October 5, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Red N. P. Tall Cans."

Adulteration of the article was alleged in the libel for the reason that fish other than salmon had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement, "Red N. P. Tall Cans," borne on the case containing the article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 3, 1923, the Seldovia Packing Co., having appeared as claimant for the property, an order of the court was entered providing for the release of the product under bond in the sum of \$500, to be reconditioned. On May 22, 1923, the product having been sorted under the supervision of this department and 27 cases thereof having been found to meet the requirements of law, it was ordered by the court that the said 27 cases be released to the claimant and that the remaining $7\frac{1}{8}$ cases of the product be condemned and forfeited and delivered to the State Fisheries Department to be used as fish food in the State fish hatcheries.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11715. Misbranding of crab meat. U. S. v. James W. Wheeler (Wheeler & Barnes). Plea of guilty. Fine, \$15. (F. & D. No. 16943. I. S. Nos. 18256-t, 18261-t.)

On February 28, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district an information against James W. Wheeler, trading as Wheeler & Barnes, Biloxi Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about May 31 and June 6, 1922, respectively, from the State of Mississippi into the State of Texas, of quantities of crab meat in unlabeled cans which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11716. Misbranding of crab meat. U. S. v. William Cruso (William Cruso & Co.). Plea of guilty. Fine, \$15. (F. & D. No. 16952. I. S. No. 18257-t.)

On February 28, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Cruso, trading as William Cruso & Co., Biloxi, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 6, 1922, from the State of Mississippi into the State of Texas, of a quantity of crab meat in unlabeled cans which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

During the February, 1923, term of the said district court, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11717. Adulteration and misbranding of canned oysters. U. S. v. 90 Cases of Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17349. I. S. No. 7989-v. S. No. W-1349.)

On March 12, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 cases of oysters, remaining in the original unbroken packages at Los Angeles, Calif., consigned by J. Langrall & Bro., Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about January 16, 1923, and transported from the State of Maryland into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Maryland Chief Brand Baltimore * * * Cove Oysters Contents 5 Ounces Packed by J. Langrall & Bro. Inc. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Oysters," was false and misleading and deceived and misled the purchaser.

On March 23, 1923, J. Langrall & Bro., Inc., Baltimore Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in compliance with the provisions of the said act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11718. Misbranding of assorted jellies and assorted preserves. U. S. v. 200 Cases of Assorted Jellies, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 17336, 17401, 17402, 17403, 17441. I. S. Nos. 8175-v to 8182-v, incl., 8703-v to 8712-v, incl., 8724-v to 8731-v, incl. S. Nos. W-1335, W-1356, W-1357, W-1358, W-1362, W-1363.)

On or about March 19 and 29 and April 6 and 7, 1923, respectively, the United States attorney for the District of Colorado, acting upon reports by the Sec-

retary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 918 cases of assorted jellies, 15 cases of apple and currant jelly, and 244 cases of assorted preserves, remaining in the original unbroken packages in various lots at Denver, Pueblo, Trinidad, and Grand Junction, Colo., respectively, consigned by the Lakeside Preserving Co., Chicago, Ill., alleging that the articles had been shipped from Chicago, between the dates of September 27, 1921, and January 30, 1923, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled variously, in part: "Grove Brand Pure Fruit Jelly Apple And Strawberry" (or "Apple And Grape," "Apple And Currant," "Apple And Raspberry," "Apple") "* * * Lakeside Preserving Co. Chicago, Illinois;" "Colonial Brand * * * Wilson & Co. Chicago U. S. A. Pure Fruit Jelly Crabapple" (or "Apple and Raspberry," "Apple and Strawberry," "Apple and Currant," "Apple and Grape," "Apple"); and "Grove Brand Pure Fruit Preserves Apple And Loganberry" (or "Apple And Raspberry," "Apple And Blackberry," "Apple And Strawberry") "* * * Lakeside Preserving Co. Chicago, Illinois."

Misbranding of the articles was alleged in substance in the libels for the reason that the statements appearing on the labels of the respective containers of a portion of the said jellies, to wit, "Grove Brand Pure Fruit Jelly Apple And Currant" or "Apple And Strawberry," "Apple And Raspberry," "Apple," "Apple And Grape," as the case might be, the statements appearing on the labels of the respective containers of the remainder of the said jellies, to wit, "Pure Fruit Jelly Apple" or "Crabapple," "Apple and Raspberry," "Apple and Strawberry," "Apple and Currant," "Apple and Grape," as the case might be, and the statements appearing on the labels of the respective containers of the said preserves, to wit, "Grove Brand Pure Fruit Preserves Apple And Loganberry" or "Apple And Blackberry," "Apple And Raspberry," "Apple And Strawberry," as the case might be, were false and misleading and deceived and misled the purchaser.

On July 28, 1923, the Lakeside Preserving Co., Chicago, Ill., claimant, having admitted for the purpose of securing the release of the products that they were misbranded and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$5,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11719. Adulteration of butter. U. S. v. 35 Cases of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked and relabeled. (F. & D. No. 17597. I. S. No. 3318-v. S. No. E-4429.)

On July 2, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 cases of creamery butter, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Cumberland Valley Creamery, from Nashville, Tenn., June 19, 1923, and transported from the State of Tennessee into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been abstracted.

On or about July 6, 1923, the Cudahy Packing Co., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$273, in conformity with section 10 of the act, conditioned in part that the claimant pay the costs of the proceedings and that the product be reshipped to the Cumberland Valley Creamery, Inc., Nashville, Tenn., to be reworked and relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11720. Adulteration of flour. U. S. v. 206 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16391. I. S. No. 14039-t. S. No. W-1099.)

On June 13, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 206 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Ellison Milling & Elevator Co., from Lethbridge, Alberta, Canada, May 5, 1922, and imported from a foreign country into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ellison Milling & Elevator Company Our Best * * * Spring Wheat Flour Patent Lethbridge, Alberta, Canada. 98 Lbs. Net Wt."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

On June 16, 1922, M. J. Lehmann, trading as Lehmann Bros., Seattle, Wash., claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that the product be reconditioned under the supervision and to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11721. Adulteration of flour. U. S. v. 200 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16432. I. S. No. 14047-t. S. No. W-1104.)

On or about June 20, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Montana Flour Mills Co., from Great Falls, Mont., February 25, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Montana Flour Mills Co. Highest Patent Sapphire Flour * * * Made From Selected Hard Wheat Matured Bleached * * * 49 Lbs. Net Sapphire Flour 'It's The Wheat.'"

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

On June 23, 1922, Galbraith & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the product be reconditioned under the supervision and to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11722. Adulteration of chloroform. U. S. v. 23 Tins, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16461, 16501, 16502, 16503, 16504. S. Nos. E-3982, E-4004, E-4008, E-4009, E-4010.)

On June 26, 29, and 30, 1922, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 376 tins or cans of chloroform, in various lots at New Castle, McKeesport, Emlenton, and Pittsburgh, Pa., respectively, alleging that the article had been shipped from New York, N. Y., between the dates of March 15 and May 24, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained chlorides, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation.

On April 24, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11723. Adulteration and misbranding of olive oil and table oil. U. S. v. Nicholas Gamanos, George Booskos, and Athanasios Booskos (Gamanos & Booskos). Pleas of guilty. Fine, \$450. (F. & D. No. 16950. I. S. Nos. 6263-t, 6957-t, 6958-t, 6964-t, 8081-t, 8485-t, 8497-t.)

On May 28, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas Gamanos, George Booskos, and Athanasios Booskos, copartners, trading as Gamanos & Booskos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 3, 1920, from the State of New York into the State of Rhode Island, of a quantity of olive oil which was adulterated and misbranded, on or about May 4, 12, 14, and 17, 1921, respectively, from the State of New York into the State of Pennsylvania, of various consignments of olive oil which was misbranded, and on or about May 9 and July 2, 1921, respectively, from the State of New York into the State of Maryland, of two consignments of so-called table oil which was adulterated and misbranded. The articles were labeled variously, in part: "Prodotti Italiani Olio d'Olive Pure Olive Oil Sopraffino * * * Italia Brand Trade Mark Lucca Toscana Italia Net Contents $\frac{1}{2}$ Gall.;" "Justice Brand * * * Trade Mark Reg. Imported Virgin Pure Olive Oil Net Contents One Gallon * * * Gamanos & Booskos Importers & Packers N. Y.;" "Finest Quality Table Oil * * * Termini Imerese Type Net Contents One Gallon Cotton Seed Salad Oil Slightly Flavored With Olive Oil."

Analysis of a sample of the Italia brand oil by the Bureau of Chemistry of this department showed that it was not olive oil but was probably cottonseed oil. Analyses of samples of the table oil by said bureau showed that it was a mixture of vegetable oils, principally cottonseed oil and corn oil; each of the cans examined contained less than 1 gallon of the article, the quantity declared on the label. Examination by said bureau of a sample taken from each of the four consignments of Justice brand oil showed shortages from the declared volume of 4.9, 4.7, 3.9, and 4.2 per cent, respectively.

Adulteration was alleged with respect to the Italia brand oil and the so-called table oil for the reason that substances, to wit, cottonseed oil and oils other than olive oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil, which the article purported to be.

Misbranding was alleged with respect to the Italia brand oil for the reason that the statements, to wit, "Prodotti Italiani * * * Pure Olive Oil" and "Lucca Toscana Italia," together with the designs and devices of the Italian shield and Italian flag, borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that the said statements represented that the article was olive oil and that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil and that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, whereas, in truth and in fact, it was not olive oil but was a mixture composed in large part of cottonseed oil and oils other than olive oil, and it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America. Misbranding was alleged with respect to the said Italia brand oil for the further reason that it was a mixture composed in large part of cottonseed oil and oils other than olive oil, and was offered for sale and sold under the dis-

tinctive name of another article, to wit, olive oil, and for the further reason that the statements, designs, and devices borne on the said cans purported the article to be a foreign product when not so.

Misbranding was alleged with respect to the Justice brand oil for the reason that the statement, "Net Contents One Gallon," borne on the cans containing the article, regarding the said article, was false and misleading, in that it represented that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, each of said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to the so-called table oil for the reason that the statements borne on the cans containing the article, to wit, "Net Contents One Gallon," "Finest Quality Table Oil," and "Termini Imerese Type," not corrected by the statement, "Cotton Seed Salad Oil Slightly Flavored With Olive Oil," borne in inconspicuous type in an inconspicuous place on the said cans, together with the design and device of an olive tree with natives gathering olives, borne on the said cans, regarding the article and the ingredients, and substances contained therein, were false and misleading, in that they represented that the article was, to wit, olive oil, and that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, olive oil, and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not, to wit, olive oil, but was a mixture composed in large part of cottonseed oil and oils other than olive oil, and each of the said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to the Justice brand oil and the so-called table oil for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines of \$150 each, a total of \$450.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11724. Adulteration and misbranding of tea. U. S. v. Harry A. Jones (Bohea Importing Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 17131. I. S. Nos. 3372-t, 3373-t, 4327-t, 9318-t.)

On June 7, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry A. Jones, trading as the Bohea Importing Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 17, 1920, and November 10, 1921, respectively, from the State of Maryland into the State of Louisiana, on or about June 4, 1921, from the State of Maryland into the State of Arkansas, and on or about October 28, 1921, from the State of Maryland into the State of South Carolina, of quantities of tea, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled variously: "Bohea's Special Orange Pekoe Ceylon Tea * * * Net 1½ Ozs. And Over When Packed * * * Bohea Importing Co., Baltimore, Md., U. S. A.," "Extremely Superb 'Himalaya' Darjeeling India Tea * * * Bohea Importing Co. * * * Half Pound Net;" "King George * * * Flowery Orange Pekoe Ceylon-India Tea Bohea Importing Co. * * * ½ Pound Net Weight When Packed."

Analyses of samples of the Special Orange Pekoe Ceylon tea by the Bureau of Chemistry of this department showed that it contained a grade or grades of tea other than Orange Pekoe. Analysis of a sample of the King George brand tea by said bureau showed that it contained a substantial quantity of a grade or grades of tea other than Flowery Orange Pekoe. Examination of a sample taken from each of the consignments of the article by said bureau showed that the packages contained less tea than declared on the labels.

Adulteration of the Special Orange Pekoe Ceylon tea and the King George brand tea was alleged in the information for the reason that tea other than, to wit, Orange Pekoe leaf grade of tea or Flowery Orange Pekoe leaf grade of tea, as the case might be, had been substituted in whole or in part for the said article.

Misbranding was alleged with respect to the Special Orange Pekoe Ceylon tea and the King George brand for the reason that the statements, to wit, "Orange Pekoe * * * Tea" and "Net 1½ Ozs. And Over When Packed," borne on the labels attached to the packages containing the Special Orange Pekoe Ceylon tea, and the statements, to wit, "Flowery Orange Pekoe * * * Tea" and "½ Pound Net Weight When Packed," borne on the labels attached to the cans containing the King George brand, regarding the article and the ingredients and substances contained therein, were false and misleading, in that they represented that the former was Orange Pekoe tea, that is to say, Orange Pekoe leaf grade of tea, and that each of the said packages contained 1½ ounces net of the article, and that the latter was Flowery Orange Pekoe tea, that is to say, Flowery Orange Pekoe leaf grade of tea, and that each of the said cans contained ½ pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the former was Orange Pekoe tea and that each of the said packages contained 1½ ounces net of the article, and that the latter was Flowery Orange Pekoe tea and that each of the said cans contained ½ pound net of the article, whereas, in truth and in fact, the said article was not Orange Pekoe tea or Flowery Orange Pekoe tea, as the case might be, but did consist of a grade or grades of tea other than the grades represented by the said labels, and each of the said packages or cans did not contain 1½ ounces net or ½ pound net of the article, as the case might be, but did contain a less amount.

Misbranding was alleged with respect to the Himalaya brand tea for the reason that the statement, to wit, "Half Pound Net," borne on the labels attached to the packages containing the article, regarding the said article, was false and misleading, in that it represented that each of the said packages contained ½ pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained ½ pound net of the article, whereas, in truth and in fact, each of said packages did not contain ½ pound net of the article but did contain a less amount.

Misbranding was alleged with respect to the product involved in all of the consignments for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 8, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11725. Adulteration of walnut meats. U. S. v. 20 Cases and 10 Cases of Walnut Meats. Product ordered released under bond to be used for chicken feed. (F. & D. Nos. 17260, 17391. I. S. Nos. 8332-v, 8355-v. S. Nos. W-1311, W-1352.)

On February 10 and March 20, 1923, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 30 cases of walnut meats, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped by the Sanitary Nut Shelling Co., in part from Wilmington, Calif., October 1, 1922, and in part from Los Angeles, Calif., November 26, 1922, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Dark Amber 50 Pounds Net Order Sanitary Nut Shelling Co." The remainder of the said article was labeled in part: "Light Pieces 50 Lb. Net Order Sanitary Nut Shelling Co."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On June 25, 1923, W. E. Humphrey Co., Inc., Tacoma, Wash., claimant, having confessed judgment and executed good and sufficient bonds in conformity with section 10 of the act, it was ordered by the court that the product might be released to the said claimant to be labeled, "Unfit for human consumption," and to be sold by them as chicken feed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11726. Adulteration and misbranding of evaporated apples. U. S. v. 50 Cases of Evaporated Apples. Decree of condemnation entered. Product released under bond. (F. & D. No. 17455. I. S. No. 1836-v. S. No. E-4355.)

On April 12, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of evaporated apples, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by E. B. Holton, Webster, N. Y., on or about February 9, 1923, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Weight 15 Ounces Holton Brand Fancy Evaporated Apples * * * Packed By E. B. Holton * * * Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, incompletely evaporated apples, had been substituted in whole or in part for evaporated apples, which the article purported to be.

Misbranding was alleged for the reason that the packages containing the article were labeled, "Net Weight 15 Ounces * * * Fancy Evaporated Apples," which statements were false and misleading and deceived and misled the purchaser, in that they represented that the said packages contained 15 ounces each of the article, and that the article was fancy evaporated apples, whereas, in truth and in fact, the said packages contained less than 15 ounces each, and the said article was not fancy evaporated apples but was a product consisting of incompletely evaporated apples. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, evaporated apples, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, since the quantity stated thereon was not correct.

On May 9, 1923, E. B. Holton, Webster, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11727. Adulteration and misbranding of canned clams. U. S. v. 27 Cases of Canned Clams. Decree of condemnation entered. Product released under bond. (F. & D. No. 17562. I. S. No. 1767-v. S. No. E-4411.)

On June 21, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 27 cases of canned clams, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Hinkley, Stevens & Co., from Jonesport, Me., on or about April 21, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Cruso Brand * * * Maine Clams Contents 5 Oz."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive brine, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was labeled, "Clams Contents 5 Oz.," together with a design showing clams in shell, which statements and design were false and misleading and deceived and misled the purchaser, in that they represented that the said article was clams and that each can contained 5 ounces thereof, whereas, in truth and in fact, the said article was not clams but was a product containing excessive brine, and each of said cans did not contain 5 ounces of the said article but contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 27, 1923, Hinkley, Stevens & Co., West Jonesport, Me., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11728. Adulteration of butter. U. S. v. 46 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17563. I. S. No. 8011-v. S. No. W-1387.)

On June 20, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 46 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by W. E. Turner, from Seattle, Wash., June 9, 1923, and transported from the State of Washington into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. E. Turner * * * Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat and high in moisture had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

On July 17, 1923, the Makins Produce Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,700, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11729. Adulteration of shell eggs. U. S. v. 401 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17747. I. S. No. 7023-v. S. No. C-4071.)

On July 17, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 401 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Macon Produce Co., Milan, Mo., July 14, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On July 19, 1923, Harry H. Redfern Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11730. Misbranding of Euca-Mul. U. S. v. 60 Dozen 2½-Ounce Bottles, et al., of Euca-Mul. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14233, 14234. S. Nos. C-2724, C-2725.)

On January 27, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,620 2½-ounce bottles and 254 16-ounce bottles of Euca-Mul at Chicago, Ill., alleging that the article had been shipped by the Edward

G. Binz Co., from Los Angeles, Calif., between the dates of June 2 and September 16, 1920, and transported from the State of California into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative or therapeutic effect of the said article, appearing in the labeling of the 2½-ounce bottles, to wit, (carton and bottle) "Gives immediate Relief in * * * Asthma, Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble * * * excellent for all Chronic Throat and Lung troubles. It builds up resisting power in patient, controls the cough," (circular) "Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough * * *. For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect," and the following statements regarding the curative or therapeutic effect of the said article, appearing in the labeling of the 16-ounce bottles, to wit, (bottle) "Croup * * * Bronchial Asthma Tuberculosis Whooping Cough and other throat and lung affections * * * relieves * * * bronchial asthma. Especially effective in cough of phthisis and Whooping Cough," were false and fraudulent, in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers thereof and to create in the minds of such purchasers the impression and belief that the article contained ingredients or combinations of ingredients effective as a remedy for the several diseases, ailments, and afflictions mentioned therein, when, in fact and in truth, it did not.

On May 10, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11731. Adulteration of chloroform. U. S. v. 100 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16576. I. S. No. 13932-t. S. No. W-1134.)

On July 3, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cans of chloroform, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Dow Chemical Co., from Midland, Mich., on or about March 28, 1922, and transported from the State of Michigan into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Purified Chloroform For Anæsthesia Chloroformum Purificatum, U. S. P."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was opalescent and that it contained impurities decomposable by sulphuric acid.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of quality, strength, and purity as determined by the test laid down in said Pharmacopœia, official at the time of said shipment.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11732. Adulteration and misbranding of chloroform. U. S. v. 39 ¼-Pound Tins of Chloroform. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16656. S. No. E-4077.)

On or about August 21, 1922, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 39 ¼-pound tins of chloroform, remaining in the original unbroken packages at Clarksburg, W. Va., consigned prior

to and arriving at Clarksburg on or about March 27, 1922, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it differed from the standard of strength, quality, and purity as determined by the test laid down in the United States Pharmacopœia.

Misbranding was alleged in substance for the reason that the article was branded as containing chloroform for anesthesia, which brand was false, misleading, and deceptive for the reason that the said tins did not contain chloroform fit for anesthesia.

On May 24, 1923, an order pro confesso having been entered with respect to the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11733. Adulteration and misbranding of prepared mustard. U. S. v. Canton Canning Co., a Corporation. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 16852. I. S. Nos. 8667-t, 8668-t, 8669-t, 17208-t.)

On February 1 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Canton Canning Co., a corporation, Canton, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about August 26, September 30, October 5, 1920, and November 26, 1921, respectively, from the State of Ohio into the State of West Virginia, of quantities of prepared mustard which was adulterated and misbranded. A portion of the article was labeled in part: "Canton Brand Prepared Mustard Made From Pure Mustard Seed With Salt, Spices And Vinegar. Colored With Turmeric. Packed By The Canton Canning Co. Canton. O." The remainder of the said article was labeled in part: "Molly Stark Brand Prepared Mustard Mustard Seed, Spices, Salt, Vinegar And Turmeric. Manufactured By The Canton Canning Co. Canton, O." A portion of the Canton brand bore the statement, "Net Weight Of Contents Ozs." and in rubber stamp, the statement, "Net Weight 2 Lbs. Avd." The remainder of the said Canton brand bore the statement, "Net Weight Of Contents 13 Ozs." and in rubber stamp, the statement, "Net Weight 8 Lbs."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained an excessive quantity of mustard bran, or mustard hulls.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, mustard hulls, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that a substance, to wit, added mustard hulls, had been substituted in part for prepared mustard, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Prepared Mustard," borne on the labels attached to the jugs containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article consisted wholly of prepared mustard, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of prepared mustard, whereas, in truth and in fact, it did not so consist but did consist in part of added mustard hulls. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 20, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11734. Misbranding of Princess brand pennyroyal, tansy, and cotton root bark compound. U. S. v. 31 Dozen Packages of Princess Brand Pennyroyal, Tansy, and Cotton Root Bark Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16874. I. S. No. 8028-v. S. No. W-1224.)

On October 16, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 31 dozen packages of Princess brand pennyroyal, tansy, and cotton root bark compound, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Arco Chemical Co., from New York, N. Y., on or about May 18, 1922, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted of pills containing aloes.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, (box) "Safe Reliable * * * Harmless," (circular) "For use in the suppression of irregularities of the menses. These pills are efficient in their results * * *". In cases when the period is irregular, it is best to commence the use of these pills three or four days, before the expected time, by taking one pill every four hours until time arrives. Young girls approaching the time of puberty, or who have not overcome the functional derangements induced by that momentous change in their life, can be given these pills with great benefit, restoring elasticity to the step, brightness to the eyes and cheerfulness to the disposition. Reliable," were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11735. Adulteration of condensed milk. U. S. v. 95 Cases of Condensed Milk. Consent decree providing for destruction of the product. (F. & D. No. 16884. I. S. No. 3515-v. S. No. E-4203.)

On or about October 20, 1922, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 95 cases of condensed milk, remaining unsold at San Juan, P. R., alleging that the article had been shipped by the Nestlé & Anglo-Swiss Condensed Milk Co., from New York, N. Y., on or about September 23, 1922, and transported from the State of New York into the territory of Porto Rico, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sweetened Condensed Milk Milkmaid Brand Guaranteed Full Cream * * * Prepared In U. S. A. * * * for * * * Nestlé & Anglo-Swiss Condensed Milk Co. Cham & Vevey (Switzerland) & London."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 18, 1922, J. Ochoa y Hermano, San Juan, P. R., the owners of the property, having filed an answer admitting the allegations of the libel and having consented to the entry of an order for the immediate destruction of the product, judgment of the court was entered ordering that it be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11736. Adulteration of butter. U. S. v. Dakota Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17060. I. S. No. 7527-v.)

On March 1, 1923, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dakota Creamery Co., a corporation, Deadwood, S. Dak., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 1, 1922, from the State of South Dakota into the State of Wyoming, of a

quantity of butter which was adulterated. The article was labeled in part: "Meadow-Gold * * * Butter * * * Distributed By Dakota Creamery Company Deadwood, So. Dak."

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be. Adulteration of the article was alleged for the further reason that a valuable constituent thereof, to wit, milk fat, had been in part abstracted.

On March 23, 1923, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11737. Adulteration of butter. U. S. v. 17 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17573. I. S. No. 8013-v. S. No. W-1389.)

On June 23, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Blue Valley Produce Co., Portland, Oreg., June 15, 1923, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Valley Produce Co. * * * Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

On July 28, 1923, the C. H. Sommer Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be made to comply with the provisions of the said act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11738. Adulteration of canned sardines. U. S. v. 5 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17668. I. S. No. 2762-v. S. No. E-4459.)

On July 28, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases, each containing 100 cans of sardines, remaining in the original unbroken packages at Allentown, Pa., consigned by the Columbian Canning Co., Lubec, Me., alleging that the article had been shipped from Lubec, Me., on or about April 4, 1923, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Champion Brand American Sardines In Cotton Seed Oil Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 20, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11739. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17732. I. S. No. 7024-v. S. No. C-4077.)

On July 23, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Holstein Cooperative Creamery Co., from Holstein, Iowa, July 18, 1923,

and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Holstein Cooperative Creamery Co. Anthon, Ia. To Holstein Cooperative Creamery Co., Holstein, Ia."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On July 27, 1923, the John L. Brink Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11740. Misbranding of Euca-Mul. U. S. v. 106 bottles and 46 bottles of Euca-Mul. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14223, S. No. C-2715.)

On January 20, 1921, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 106 bottles, 2½-ounce size, and 46 bottles, 16-ounce size, of Euca-Mul, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped by Edward G. Binz Co., Los Angeles, Calif., on or about July 15, 1920, and transported from the State of California into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) (16-ounce size) "Indicated In Croup * * * Bronchial Asthma Tuberculosis Whooping Cough and other throat and lung affections * * * relieves * * * bronchial asthma. Especially effective in cough of phthisis and Whooping Cough;" (bottle and carton) (2½-ounce size) "Gives immediate Relief in * * * Asthma, Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble * * * Is excellent for all Chronic Throat and Lung troubles. It builds up resisting power in patient, controls the cough;" (circular) "Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough * * *. For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect in the disease, regardless of the cough * * * Asthma This disease should be treated with Euca-Mul * * * Croup * * * Euca-Mul will be appreciated in this disease. * * * The persistent use of Euca-Mul brings the best result."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, appearing in the labeling of the bottles and cartons containing the said article and in the accompanying circular, were false and fraudulent, in that the article did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On October 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11741. Misbranding of Craemer's celebrated compound and Craemer's calculus corrective. U. S. v. 11 Bottles of Craemer's Celebrated Compound and 9 Bottles of Craemer's Calculus Corrective. Default decree entered with respect to the Craemer's celebrated compound adjudging it to be misbranded and ordering its destruction. Default decree of condemnation and destruction with respect to the Craemer's calculus corrective. (F. & D. Nos. 16303, 16304, S. Nos. C-3621, C-3622.)

On May 18, 1922, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district libels praying the seizure and condemnation of 11 bottles of Craemer's celebrated compound and 9 bottles of Craemer's calculus corrective, remaining in the original unbroken packages at Terre Haute, Ind., alleging that the articles had been shipped from the William Craemer Medicine Co., St. Louis, Mo., the former on or about April 4, 1922, and the latter on or about December 15, 1921, and that the said articles had been transported from the State of Missouri into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The Craemer's celebrated compound was labeled in part: (Bottle and carton) "For * * * Gall Stones, Stones in the Kidneys, Stones in the Urinary Bladder, Liver, Kidney, Bladder, Stomach and Bowel Complaints * * * Thickened Bile, Bilious Colic * * * Sallow Complexion, Dizziness, Renal or Kidney Colic * * * Painful Urination, Loss of Appetite." The Craemer's calculus corrective was labeled in part: (Bottle and carton) "Calculus Corrective * * * for Gall Stones, Stones in the Kidneys, Stones in the Urinary Bladder or Gravel * * * Sallow Complexion;" (bottle) "During an attack of Gall Stone Colic, take * * * every 2 or 3 hours. * * * the persistent use of the remedy will prevent the formation of the various Calculi or Stones named."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that each was an aqueous solution of sodium, potassium, ammonium, and lithium phosphate, citrate, salicylate, and chloride and extract of ginger, sweetened with saccharin and colored with caramel.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labeling, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, in that the articles did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On October 21, 1922, no claimant having appeared for the property, judgment of the court was entered, with respect to the Craemer's celebrated compound, finding it to be misbranded and ordering its destruction by the United States marshal. On the same date, no claimant having appeared for the Craemer's calculus corrective, a decree of condemnation was entered with respect to the said product, and it was ordered by the court that it be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11742. Adulteration and misbranding of extract of lemon, extract of vanilla, and fruit powders. U. S. v. Yerkes Chemical Co., Inc., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 16415. I. S. Nos. 8297-t, 8298-t, 8300-t, 9094-t, 9095-t, 9098-t.)

On December 4, 1922, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Yerkes Chemical Co., Inc., a corporation, Winston-Salem, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, on or about the respective dates of July 20 and 29, 1921, from the State of North Carolina into the State of Virginia, of quantities of extract of lemon, extract of vanilla, and fruit powders which were adulterated and misbranded. The articles were labeled in part as follows: (Lemon extract) (bottle) "Yerkes Brand * * * Pure Ext Lemon Max. Alcohol 85% * * * 6 Drs. * * * Yerkes Chemical Company Inc. * * * Winston-Salem, N. C.," (carton) "Superior Strength And Rich Aromatic Qualities;" (vanilla extract) (bottle) Yerkes Brand Pure Ext. Vanilla Max. Alcohol 60% * * * Yerkes Chemical Co., Inc.," (carton) "Superior Strength And Rich Aromatic Qualities;" (fruit powders) "Yerkes 'Sure Keep' Fruit Powders (Contains 80 Per Cent Salicylic Acid) * * * Yerkes Chemical Co."

Analyses by the Bureau of Chemistry of this department of samples taken from each of the four consignments of the extract of lemon showed that the product in three of the samples was deficient in lemon oil and citral and contained less alcohol than declared on the label, and that the remainder was not a concentrated extract but was deficient in citral and contained less alcohol than declared on the label. Analysis of a sample of the extract of vanilla by said bureau showed that it was not a concentrated extract and that it was deficient in alcohol. Analysis of a sample of the fruit powders by said bureau showed that it contained 99.8 per cent of salicylic acid.

Adulteration was alleged with respect to the product involved in three of the consignments of the extract of lemon because a dilute lemon extract, deficient in lemon oil and citral, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for pure extract of lemon, which the article purported to be. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby its inferiority was concealed. Adulteration was alleged with respect to the product involved in the remaining consignment of the extract of lemon and the extract of vanilla because a product deficient in alcohol and other than pure concentrated extract of lemon or vanilla, as the case might be, of superior strength and rich aromatic qualities, had been substituted in whole or in part for the said articles.

Misbranding was alleged in substance with respect to the extracts of lemon and vanilla because the statements, to wit, "Pure Ext Lemon Max. Alcohol 85% * * * 6 Drs.," "Pure Extract Lemon * * * Superior Strength And Rich Aromatic Qualities," "Max. Alcohol 85%," "Pure Concentrated Extract Lemon," and "Max. Alcohol 60%," "Pure Concentrated Extract Vanilla," "Superior Strength and Rich Aromatic Qualities," appearing on the bottles and cartons containing the respective articles, were false and misleading in that they represented that the articles were pure concentrated extracts of lemon or vanilla, as the case might be, that the articles contained the proportions of alcohol indicated by the said statements, that a portion of the extract of lemon contained a larger percentage by volume of oil of lemon than the customary 5 per cent by volume lemon extract, and that the bottles containing the said portion of the extract of lemon contained 6 drams each by volume, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure concentrated extracts of lemon or vanilla, as the case might be, that they contained the proportions of alcohol indicated by the said statements, that a portion of the extract of lemon contained a larger percentage by volume of oil of lemon than the customary 5 per cent by volume lemon extract, and that the bottles containing the said portion contained 6 drams each by volume, whereas the said articles were products other than pure extracts of lemon or vanilla, as the case might be, and contained less than the proportions of alcohol indicated, a portion of the said extract of lemon contained less than 5 per cent by volume of oil of lemon, and the net contents of the bottles containing the said portion was less than 6 drams by volume. Misbranding was alleged with respect to the product involved in all of the consignments of the extract of lemon for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Adulteration was alleged with respect to the fruit powders because it contained an added deleterious ingredient, to wit, salicylic acid, which might render it injurious to health.

Misbranding was alleged in substance with respect to the fruit powders because the statement, to wit, "Fruit Powders," in large type, and the statement, "(Contains 80 Per Cent Salicylic Acid)," in small inconspicuous type, borne on each of the packages containing the article, were false and misleading in that they represented that the article was powdered fruit and that it contained only 80 per cent of salicylic acid, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an article prepared of fruit powder and salicylic acid and that it contained only 80 per cent of salicylic acid, whereas, in truth and in fact, it contained approximately 99.8 per cent of salicylic acid and contained no fruit powder.

Misbranding was alleged with respect to all the products involved in the various consignments for the further reason that they were imitations of and offered for sale under the distinctive names of other articles.

On June 6, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11743. Misbranding of chloroform. U. S. v. 200 Cans, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16493, 16494. S. Nos. C-3668, C-3669.)

On July 1, 1922, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court

of the United States for said district libels praying the seizure and condemnation of 400 cans of chloroform, remaining in the original unbroken packages, in part at Gary and in part at Hammond, Ind., alleging that the article had been shipped from New York, N. Y., in two consignments, namely, on or about April 27 and May 23, 1922, respectively, and transported from the State of New York into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) " $\frac{1}{4}$ Pound Chloroform, Squibb For Anæsthesia;" (cans) " $\frac{1}{4}$ lb. Net Chloroform Squibb For Anæsthesia * * * E. R. Squibb & Sons, New York * * * It is superior to that of the U. S. P. and the best that can be made for anæsthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorinated decomposition products.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements were false and misleading in that the article did not comply with the pharmacopœial standards, and for the further reason that the said statements were misleading statements relative to the purity of the said article.

On October 21, 1922, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11744. Misbranding of H. and H. natural water and H. and H. concentrated water. U. S. v. 18 Bottles and 37 Bottles of Dawson Springs Renowned H. and H. Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16785. I. S. Nos. 4502-v, 4503-v. S. No. C-3790.)

On August 31, 1922, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 bottles of Dawson Springs Renowned H. and H. water (natural) and 37 bottles of Dawson Springs Renowned H. and H. water (concentrated), remaining in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the H. & H. Water Co., Dawson Springs, Ky., in part June 8 and in part July 6, 1922, and transported from the State of Kentucky into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Dawson Springs * * * H. and H. Water * * * Contents One Gallon * * * H. & H. Water Co. Dawson Springs, Kentucky." The remainder of the said article was labeled in part: "Dawson Springs Renowned H. and H. Water * * * Concentrated."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the natural water contained 4 grams and the concentrated water 226 grams per liter of dissolved mineral matter, most of which was Epsom salt.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the labels of the natural water, regarding the curative and therapeutic effects thereof, to wit, "Indigestion, Stomach, Liver and Kidney Troubles, Malaria, Female Troubles," and the following statements appearing on the labels of the concentrated water, regarding the curative and therapeutic effects thereof, to wit, "Indigestion, Stomach Liver and Kidney Troubles, Bright's Disease, Diabetes, Jaundice, Malaria," were false and fraudulent, since the said product contained no ingredient or combination of ingredients capable of producing the effects claimed, namely, that it was not effective to cure or aid in curing the said ailments.

On October 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11745. Adulteration of shell eggs. U. S. v. William R. Davis. Plea of guilty. Fine, \$10. (F. & D. No. 17076. I. S. No. 1001-v.)

On March 10, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

William R. Davis, Haynesville, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 26, 1922, from the State of Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 360 eggs from the consignment showed that 32, or 8.88 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 2, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11746. Adulteration and misbranding of olive oil and misbranding of cottonseed oil. U. S. v. Christ Makris (Messina Importing Co.). Plea of guilty. Fine, \$170. (F. & D. No. 17246. I. S. Nos. 17021-t, 17022-t, 17030-t, 17031-t, 17034-t, 18425-t.)

On May 28, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christ Makris, trading as the Messina Importing Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 9, March 7, 9, and 17, 1922, respectively, from the State of New York into the District of Columbia, and on or about June 13, 1922, from the State of New York into the State of Missouri, of quantities of olive oil which was adulterated and misbranded, and on or about February 9, 1922, from the State of New York into the District of Columbia, of a quantity of cottonseed salad oil which was misbranded. The consignments of February 9, March 9, and March 17 were made by the defendant under the name of D. Lamp. The consignment of March 7 was contained in unlabeled cans and was invoiced as olive oil. The remaining consignments were labeled variously: "Prodotti Italiani Olio d'Olive Pure Olive Oil Sopraffino * * * Italia Brand Trade Mark Lucca Toscana Italia Net Contents 1 Gall.," "Olio Puro D'Olive Garantito Messina Brand * * * Extra Fine Quality Packed and Imported By Messina Imp. Co. New York, N. Y. This Can Contains One Gallon," "Net Contents 1 Gall. Extra Fine Quality Oil For Salads * * * Regina Brand Winterpressed Cottonseed Salad Oil Flavored With Pure Olive Oil. A Compound."

Analyses of samples of the Italia brand oil by the Bureau of Chemistry of this department showed that it consisted almost wholly of cottonseed oil or of a mixture of cottonseed oil and corn oil, with a small quantity of olive oil present; the cans examined contained less than 1 gallon of the article. Analysis of a sample of the cottonseed salad oil by said bureau showed that it was cottonseed oil with a small quantity of olive oil; the cans examined contained less than 1 gallon of the article. Analysis by said bureau of the product involved in the consignment of March 7 in the unlabeled cans showed that it was olive oil mixed with about 8 per cent of cottonseed oil. Analysis of a sample of the Messina brand oil by said bureau showed the presence of cottonseed oil; the cans examined contained less than 1 gallon of the article.

Adulteration of the Italia brand oil was alleged in the information for the reason that oil other than olive oil had been substituted in whole or in part for olive oil, which the article purported to be.

Adulteration of the product invoiced as olive oil and the Messina brand oil was alleged for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the Italia brand oil and of the Messina brand oil was alleged for the reason that the statements, to wit, "Prodotti Italiani," "Olio d'Olive Pure Olive Oil Sopraffino," "Italia," "Lucca," "Toscana Italia," "Net Contents 1 Gall.," together with the designs and devices of a woman draped in Italian colors, the map of Italy, and Italian shield, borne on the cans containing the Italia brand, and the statements, to wit, "Olio Puro D'Olive," "This Oil Is Absolutely Pure Extracted From Olives," "It Is Guaranteed Under Any Analysis In Strict Accordance With Laws Governing Imported

Products," "Messina Imp. Co.," and "This Can Contains One Gallon," together with the design and device of a town in Italy, borne on the cans containing the Messina brand, regarding the article and the ingredients and substances contained therein, were false and misleading, in that they represented that the said article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon of the article, whereas, in truth and in fact, it was not olive oil but was a product composed in part of cottonseed oil or of oil other than olive oil, as the case might be, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of the said cans did not contain 1 gallon of the said article but did contain a less amount. Misbranding was alleged with respect to the said Italia brand and Messina brand oil for the further reason that it was a product composed in part of oil other than olive oil or of cottonseed oil, as the case might be, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements, designs, and devices borne on the said cans purported the article to be a foreign product when not so. Misbranding was alleged with respect to the Italia brand oil for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was labeled as an article manufactured and produced in Lucca, in the province of Tuscany, in the kingdom of Italy, whereas it was manufactured and produced in the United States of America.

Misbranding was alleged with respect to the Regina brand cottonseed salad oil for the reason that the statements, to wit, "Winterpressed Cottonseed Salad Oil Flavored With Pure Olive Oil" and "Net Contents 1 Gall.," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was winterpressed cottonseed salad oil flavored with pure olive oil, and that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was winterpressed cottonseed salad oil flavored with pure olive oil and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not winterpressed cottonseed salad oil flavored with pure olive oil but was a product composed of cottonseed oil, which had no flavor of olive oil, and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was a product composed of cottonseed oil, which contained no flavor of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed salad oil flavored with pure olive oil.

Misbranding was alleged with respect to the product consigned on March 7, into the District of Columbia, and invoiced as olive oil, for the reason that it was a product composed in part of cottonseed oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

Misbranding was alleged with respect to the products involved in the various consignments for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 12, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$170.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11747. Adulteration of butter. U. S. v. 88 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 17624. I. S. No. 679-v. S. No. E-4431.)

On July 5, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District court, a libel for the seizure and condemnation of 88 cases of butter at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging

adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Supreme Fancy Creamery Butter * * * One Pound Net Weight."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

On August 20, 1923, the North American Provision Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11748. Adulteration and misbranding of butter. U. S. v. 155 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17650. I. S. No. 692-v. S. No. E-4451.)

On or about July 13, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District court, a libel for the seizure and condemnation of 155 cases of butter at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Armour's * * * Cloverbloom Creamery Butter * * * 1 Lb. Net Weight."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on each of the packages containing the said article, was false and misleading, in that it represented that each of the said packages contained butter, and for the further reason that the article was labeled "Butter" so as to deceive and mislead the purchaser into the belief that each of the said packages contained butter, whereas, in truth and in fact, each of said packages did not contain butter but did contain a product containing excessive moisture and deficient in butterfat.

On August 20, 1923, Armour & Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11749. Adulteration of shell eggs. U. S. v. 117 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17731. I. S. No. 4245-v. S. No. C-4076.)

On July 23, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 117 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Viroqua Hide & Fur Co., Viroqua, Wis., July 16, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On July 25, 1923, the Glickman & Gross Commission Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11750. Adulteration and misbranding of lemon flavor pie filling. U. S. v. 400 Packages of Lemon Flavor Pie Filling Compound. Default decree of condemnation, forfeiture, and destruction. Claimant subsequently appeared. Product released under bond to be relabeled. (F. & D. No. 14191. I. S. No. 13599-t. S. No. C-2668.)

On or about February 3, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 packages of lemon flavor pie filling compound, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Jewel Tea Co., Inc., from Gibson, Ind., October 19, 1920, and transported from the State of Indiana into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "8 Ozs. Net Wt. Jewel Brand Lemon Flavor Pie Filling Compound * * * Manufactured By Jewel Tea Co., Inc., Headquarters New York, Chicago, New Orleans, San Francisco."

Adulteration of the article was alleged in substance in the libel for the reason that an artificially colored product consisting essentially of corn-starch, sugar, gelatin, and citric acid, and containing no eggs, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement appearing on the label, "Lemon Flavor Pie Filling," was false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 8, 1921, no claimant for the property having appeared at that time, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed. Subsequently, on petition of the Jewel Tea Co., Chicago, Ill., permission was granted to take the goods down under bond to be relabeled in accordance with sample, on payment of costs and the execution of a good and sufficient bond, in conformity with section 10 of the act. On May 14, 1923, the claimant having relabeled the product in conformity with the law, the bond was ordered canceled.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11751—11800.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 24, 1924.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11751. Adulteration and misbranding of alimentary paste. U. S. v. 200 Boxes of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14598. I. S. Nos. 10343-t, 10344-t. S. No. W-887.)

On March 8, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 boxes of alimentary paste at San Francisco, Calif., alleging that the article had been delivered by the Columbus Mercantile Co., San Francisco, Calif., for shipment into the Territory of Hawaii, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Flour Macaroni 6 Lbs. Net." The remainder of the said article was labeled in part: "Flour Spaghetti 6 Lbs. Net Quality Columbus Macaroni."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Flour Macaroni," "Flour Spaghetti," and "6 Lbs. Net," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11752. Adulteration of coal-tar color. U. S. v. 1 Pound of Yellow Coal-Tar Color, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14705, 14706, 14785, 14798, 14813. I. S. Nos. 1695-t, 1699-t, 1700-t, 2555-t, 2560-t, 2564-t. S. Nos. C-2957, C-2959, C-2964, C-2969, C-2978.)

On April 13, 14, and 26, 1921, respectively, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 4 cans of yellow coal-tar

color, 2 cans of red coal-tar color, and 1 can of purple coal-tar color, in various lots at Ruston, Winnfield, Opelousas, Lake Charles, and Kinder, La., respectively, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., between the dates of May 10, 1920, and March 15, 1921, and had been transported from the State of Missouri into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The labels of the said article bore the statement, "1 Lb. Net * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo.," and the statements, "Red," "Yellow," or "Purple," as the case might be.

Adulteration of the article was alleged in the libels for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On May 17 and June 1, 1923, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11753. Misbranding of Giles' germicide. U. S. v. 6 Bottles of Giles' Germicide. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16126. I. S. No. 19-t. S. No. C-3524.)

On April 25, 1922, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 bottles of Giles' germicide, remaining in the original unbroken packages at La Fayette, Ind., alleging that the article had been shipped by the Giles Remedy Co., Chicago, Ill., on or about September 10, 1921, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Registered Giles' Germicide Trade Mark Aether Sulphuricus, 10% Guaranteed by Giles Remedy Co. to contain no poisonous Drugs or deleterious matter A Modern Remedy Recommended For Ailments caused by disease producing germs within and without the body Neutralizes and Expels From The Blood The toxins of germs and other poisons or impurities, Allays internal or external congestion or inflammation. Absolutely Harmless."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of camphor, ether, and linseed oil, and was not an antiseptic or a germicide.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On October 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11754. Misbranding of white beans. U. S. v. Ady & Crowe Mercantile Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16205. I. S. No. 13001-t.)

On June 5, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ady & Crowe Mercantile Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 18, 1921, from the State of Colorado into the State of Wyoming, of a quantity of white beans in sacks which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 6, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11755. Adulteration of chloroform. U. S. v. 64 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16471. I. S. No. 14176-t. S. No. W-1122.)

On June 26, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 64 tins of chloroform, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped from Philadelphia, Pa., on or about June 21, 1922, and transported from the State of Pennsylvania into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained chlorides and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopeia and differed from the standard of quality, strength, and purity as determined by the test laid down in said Pharmacopeia, official at the time of said shipment.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11756. Adulteration and misbranding of canned corn. U. S. v. 100 Cases of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17305. I. S. No. 5304-v. S. No. C-3913.)

On February 28, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of canned corn at Kansas City, Kans., alleging that the article had been shipped by the Wisconsin Pea Cannery Co., from Plainview, Minn., on or about September 13, 1922, and transported from the State of Minnesota into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Lakeside Brand * * * Minnesota Early Crosby Corn * * * Guaranteed By The Packers To Contain Sugar Corn, Salt And Sugar Only * * * Packed By Lakeside Packing Co. Manitowoc, Wis."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of brine or water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Corn," was false and misleading and deceived and misled the purchaser to believe that the said cases contained corn, when, in truth and in fact, they contained an adulterated commodity.

On June 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11757. Adulteration of cacao beans. U. S. v. 654 Bags of Cacao Beans. Consent decree of condemnation and forfeiture. Product released under bond to be made into cocoa butter. (F. & D. No. 17452. I. S. No. 377-v. S. No. E-4352.)

On April 9, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 654 bags of cacao beans, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about April 26, 1922, from Lagos, Africa, and imported from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H. I. Cocoa."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On August 7, 1923, the Otto Gerdau Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of

condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,500, in conformity with section 10 of the act, conditioned in part that it be made into cocoa butter and that proof of the proper disposition of the product be submitted to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11758. Adulteration and misbranding of corn sirup apple jelly. U. S. v. 278 30-Pound Pails and 267 50-Pound Pails of Corn Sirup Apple Jelly. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17489, 17490, 17491, 17492, 17493, 17494, 17495. I. S. No. 8372-v. S. No. W-1377.)

On May 3, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 11, 1923, an amended libel, praying the seizure and condemnation of 278 30-pound pails and 267 50-pound pails of corn sirup apple jelly, remaining in the original unbroken packages, in part at Seattle and in part at Tacoma, Wash., alleging that the article had been shipped by the Corn Products Refining Co., from Kansas City, Mo., February 13, 1923, and transported from the State of Missouri into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Pail) "Sanitary Lined Pail Rex Reg. U. S. Pat. Off. Corn Syrup Apple Jelly Made With Approximately 75% Corn Syrup And 25% Juice From Apple Parings. Contains Added Phosphoric Acid And Certified Color. * * * Manufactured By Corn Products Refining Co. General Offices New York, U. S. A."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that artificially colored and acidified corn sirup pectin jelly had been substituted wholly or in part for corn sirup apple jelly containing added phosphoric acid and color.

Misbranding was alleged for the reason that the statement appearing on the pails containing the article, "Corn Syrup Apple Jelly," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 12, 1923, the Corn Products Refining Co., claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11759. Adulteration and misbranding of butter. U. S. v. 80 Cases and 53 Boxes of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17576, 17595. I. S. Nos. 8014-v, 8015-v. S. Nos. W-1390, W-1391.)

On June 26 and 30, 1923, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 80 cases and 53 boxes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Fergus County Creamery, Inc., Lewistown, Mont., alleging that the article had been shipped from Lewistown, Mont., on or about June 4, 1923, and transported from the State of Montana into the State of California, and charging adulteration and misbranding with respect to a portion thereof and adulteration with respect to the remainder, in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "From Fergus County Creamery." The remainder of the said article was labeled in part: "From Lewistown Creamery Co., Lewistown, Montana."

Adulteration of the article was alleged in substance in the libels for the reason that excessive water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a product deficient in milk fat and high in moisture had been mixed and packed with and substituted wholly or in part for

the said article, and for the further reason that a valuable constituent, but-terfat, had been abstracted from the article.

Misbranding was alleged with respect to a portion of the product for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1923, Swift & Co. having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,610, in conformity with section 10 of the act, conditioned in part that the product be made to conform with the provisions of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11760. Misbranding of Oxidaze tablets. U. S. v. American Oxidaze Co., a Corporation. Case ordered placed on file. (F. & D. No. 7707. I. S. No. 1610-1.)

On February 1, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Oxidaze Co., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 10, 1915, from the State of Massachusetts into the State of Pennsylvania, of a quantity of Oxidaze tablets which were misbranded. The article was labeled in part: (Carton) "\$1.00 Size Oxidaze Tablets Prepared For American Oxidaze Company, Worcester, Mass."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained essentially cinnamon oil, sassafras oil, camphor, menthol, methyl salicylate, potassium iodide, starch, sugar, and talc.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic effects of the said article, included in the circular or pamphlet accompanying the article, falsely and fraudulently represented it to be effective for the cure of catarrh and tuberculosis, effective as a cure and preventive of pneumonia, and effective as a remedy for hay fever, when, in truth and in fact, it was not.

On November 17, 1922, the case having come on for final disposition, it was ordered by the court that the case be placed on file.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11761. Adulteration and misbranding of oil of sweet birch and wintergreen oil. U. S. v. Adolphus A. Winters. Plea of guilty. Fine, \$25. (F. & D. No. 14546. I. S. Nos. 540-r, 541-r.)

On July 2, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolphus A. Winters, Newland, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 30, 1919, from the State of North Carolina into the State of New York, of quantities of oil of sweet birch and wintergreen oil which were adulterated and misbranded. The articles were labeled in part, respectively: "Oil distilled from Birch bark and small bush — D. A. Winters Montezuma, N. C.;" "Oil distilled from Wintergreen leaves. D. A. Winters Montezuma, N. C."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained synthetic methyl salicylate and that they were not true oils of wintergreen or birch, as the case might be.

Adulteration of the articles considered as drugs was alleged in the information for the reason that they were sold under and by names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia provides that oil of sweet birch, to wit, birch oil, be obtained wholly from *Betula lenta* and that oil of wintergreen be obtained wholly by distillation from *Gaultheria procumbens*, whereas the said articles were mixtures composed

in part of synthetic methyl salicylate and the standard of the strength, quality, and purity of the said articles was not declared on the containers thereof. Adulteration was alleged for the further reason that the strength, quality, and purity of the articles fell below the professed quality under which they were sold in that they were mixtures composed in part of synthetic methyl salicylate and were sold as oil distilled from birch bark and small bush, to wit, birch bush, or as oil distilled from wintergreen leaves, as the case might be.

Adulteration of the articles considered as foods was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with the said articles so as to lower and reduce and injuriously affect their quality and strength and had been substituted in whole or in part for oil of wintergreen or birch oil, as the case might be, which the articles purported to be. Adulteration was alleged for the further reason that a substance, to wit, synthetic methyl salicylate, had been mixed with the respective articles in a manner whereby damage and inferiority were concealed.

Misbranding of the articles considered as foods was alleged for the reason that the statements, to wit, "Birch Oil," "Oil distilled from Birch bark and small bush," "Wintergreen Oil," and "Oil distilled from Wintergreen leaves," borne on the cans or boxes containing the respective articles, as the case might be, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles were birch oil distilled from birch bark and small birch bush or oil of wintergreen derived wholly from distillation of wintergreen leaves, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were birch oil distilled from birch bark and small birch bush or oil of wintergreen derived wholly from distillation of wintergreen leaves, as the case might be, whereas, in truth and in fact, they were not but were articles composed in part of synthetic methyl salicylate. Misbranding of the articles considered as foods was alleged for the further reason that they were imitations of oil of sweet birch or wintergreen oil, as the case might be, and were offered for sale under the distinctive names of other articles, and for the further reason that they were foods in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

Misbranding of the alleged birch oil considered as a drug was alleged for the reason that the statements, to wit, "Birch Oil" and "Oil distilled from Birch bark and small bush," borne on the labeling of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was birch oil and that it was oil distilled from birch bark and small bush, to wit, birch bush, whereas, in truth and in fact, it was not birch oil and was not oil distilled from birch bark and small birch bush but was a mixture composed in part of synthetic methyl salicylate obtained from a source other than birch bark and small bush, to wit, birch bush. Misbranding of the alleged birch oil considered as a drug was alleged for the further reason that it was a mixture composed in part of synthetic methyl salicylate, prepared in imitation of birch oil, and was offered for sale and sold under the name of another article, to wit, birch oil.

It was alleged in substance in the information that the alleged oil of wintergreen considered as a drug further violated the said act in that it was a product composed in part of synthetic methyl salicylate, prepared in imitation of oil of wintergreen, and was offered for sale and sold under the name of another article, to wit, oil of wintergreen.

On November 14, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11762. Misbranding of Yerkes palatable wine extract of cod-liver oil.
U. S. v. 150 Bottles of Yerkes Palatable Wine Extract of Cod-Liver Oil. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 16095. S. No. E-3835.)

On April 15, 1922, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 150 bottles of Yerkes palatable wine extract of cod-liver oil, remaining unsold at Rockymount, Va., alleging that the article had been shipped by the Yerkes Chemical Co., Winston-Salem, N. C.,

on or about December 18, 1919, and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of compounds of sodium, potassium, calcium, iron, quinine, strychnine, and phosphorus, extracts of plant drugs, including wild cherry bark, possible traces of cod-liver oil and malt extract, sugar, alcohol, and water, flavored with benzaldehyde.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the labels of the bottles and cartons containing the article, regarding its curative and therapeutic effects and the ingredients and substances contained therein, (bottle and carton) "A superior nutrient * * * and reconstructive of especial value for restoring tone and vigor to the entire system. Indicated in General Debility, Nervous Prostration, Tuberculosis, Emaciation, Scrofulosis, Winter Cough, Bronchitis, etc.," (carton) "Builds You Up * * * Unexcelled as a * * * nutrient and reconstructive remedy. Indicated in * * * General Debility, Nervous Prostration, Neurasthenia, Anemia, Chlorosis, Nervous Dyspepsia, Hysteria, Chronic Cough, Consumption, Chronic Bronchitis, Scrofula and other chronic diseases requiring building up treatment. * * * nerve-nutrient and reconstructive," were false and fraudulent in that the said statements represented that the said article was a superior nutrient and reconstructive of especial value for restoring tone and vigor to the entire system, that it was indicated in general debility, nervous prostration, tuberculosis, emaciation, scrofulosis, winter cough, bronchitis, etc., that it would build up and was unexcelled as a nutrient and a reconstructive remedy, that it was indicated in neurasthenia, anemia, chlorosis, nervous dyspepsia, hysteria, chronic cough, consumption, chronic bronchitis, scrofula, and other chronic diseases requiring building-up treatment, and that it was a nerve nutrient and reconstructive, whereas, in truth and in fact, it was not.

On March 8, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11763. Adulteration and misbranding of vinegar. U. S. v. 20 Barrels, et al., of Vinegar. Consent decrees entered with respect to a portion of the product ordering its release under bond to be relabeled. Default decrees of condemnation, forfeiture, and destruction with respect to the remainder. (F. & D. Nos. 16527, 16895, 16911, 16987, 17003. I. S. Nos. 2052-v, 4828-v, 4829-v, 8857-v, 8902-v, 9210-v. S. Nos. C-2928, C-2933, C-2935, C-2939, C-2943.)

On October 28, November 10, 18, 21, and 27, 1922, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 255 barrels, 200 cases, and 77 cartons of vinegar, in various lots at Toledo, Mansfield, Sandusky, Warren, and Cleveland, Ohio, respectively, alleging that the article had been shipped in part by the Powell Corp., Canandaigua, N. Y., and in part by the Canandaigua Products Corp., Canandaigua, N. Y., between the dates of September 8 and October 11, 1922, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. Some of the barrels containing the article were labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% * * * Man'fd. By The Powell Corp. Canandaigua, N. Y." The rest of the said barrels were labeled in part: "Pure Cider Vinegar." The remainder of the said article was enclosed in cartons or cases each containing 2 dozen bottles or 1 dozen bottles, as the case might be. The bottles were labeled in part: "C. C. V. Brand M'fd By Canandaigua Products Corp. Net Contents 16 Fl. Oz." (or "Net Contents 20 Fl. Oz." or "Net Contents 32 Fl. Oz.") " * * * Reduced With Water To 4% Acetic Strength Canandaigua, N. Y. Reduced Cider Vinegar Made From Apples Fermented."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar or distilled and evaporated apple products vinegar, as the case might be, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing on the barrels containing the article, "Pure Cider Vinegar Made From Apples"

or "Pure Cider Vinegar," as the case might be, and the statements appearing on the labels of the bottles containing the article, "Net Contents 16 Fl. Oz." (or "Net Contents 20 Fl. Oz." or "Net Contents 32 Fl. Oz.") " * * * Cider Vinegar Made From Apples," together with the design of a ripe red apple, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the bottled vinegar for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 12, 1923, no claimant having appeared for 90 barrels and 200 cases of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that said 90 barrels and 200 cases of the product be destroyed by the United States marshal. On March 26, 1923, the Powell Corp. and the Canandaigua Products Corp. having appeared as claimants for respective portions of the remainder of the product, and having admitted the allegations contained in the libels, judgments were entered ordering that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,000, in conformity with section 10 of the act, conditioned in part that a portion of the article be relabeled, "Cider Vinegar and Distilled Vinegar Reduced to 4% Acidity," and that the remainder thereof be relabeled, "Evaporated Apple Products Vinegar and Distilled Vinegar reduced to 4% Acidity."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11764. Adulteration of chloroform. U. S. v. 600 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16588. I. S. Nos. 23429-t, 23430-t. S. No. C-3685.)

On July 8, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 cans of chloroform at Topeka, Kans., alleging that the article had been shipped from New York, N. Y., in part on or about February 24 and in part on or about March 6, 1922, and transported from the State of New York into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia.

On October 26, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11765. Misbranding and alleged adulteration of vinegar. U. S. v. 15 Barrels, et al., of Sugar Vinegar and 30 Barrels, et al., of Apple Cider Vinegar. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 17083, 17085, 17086, 17095. I. S. Nos. 5041-v, 5042-v, 5043-v, 5044-v, 5045-v, 5173-v. S. Nos. C-3855, C-3856, C-3859, C-3860.)

On January 5, 1923, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 19 barrels of sugar vinegar and 140 barrels of apple cider vinegar, in various lots at Parsons, Fort Scott, and Pittsburg, Kans., respectively, alleging that the articles had been shipped by the Ozark Cider & Vinegar Co., from Rogers, Ark., between the dates of July 11 and November 29, 1922, and transported from the State of Arkansas into the State of Kansas, and charging misbranding with respect to all of the said articles and adulteration with respect to a portion of the sugar vinegar, in violation of the Food and Drugs Act, as amended. The articles were labeled variously, as follows: "The Ozark Cider & Vinegar Company Salome Brand Sugar Vinegar Contents 55 Gal. Rogers, Arkansas;" "The Ozark Cider & Vinegar Company Sugar Vinegar

Contents 55 Gal.;" "Ozark Cider & Vinegar Company Ozark Brand Pure Apple Cider Vinegar Contents 55 Gal.;" "Mountain Brand Apple Cider Vinegar Contents 55 Gal. Rogers Arkansas."

Adulteration was alleged with respect to the Salome brand sugar vinegar for the reason that a substance deficient in acid strength had been substituted wholly or in part for the article so as to reduce and lower its acid strength to less than 4 grams of acetic acid per 100 cubic centimeters.

Misbranding of the articles was alleged for the reason that the statement appearing on the said barrels, to wit, "Contents 55 Gal.," was false and misleading and calculated to deceive the purchaser in that the said barrels contained less than 55 gallons of the respective products. Misbranding was alleged for the further reason that the articles were [food] in package form, and the said packages did not bear a label with the true quantity of the contents plainly and conspicuously delineated thereon.

On January 27, 1923, the Ozark Cider & Vinegar Co., Rogers, Ark., having appeared as claimant for the property and consented to the entry of decrees, judgments of the court were entered finding the products to be misbranded and ordering their condemnation, and it was further ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act, conditioned in part that they be rebranded to show the true contents and that the labels indicate that the said barrels each contained less than 55 gallons of the respective products.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11766. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17295. I. S. No. 8343-v. S. No. W-1317.)

On February 16, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sanitary Nut Shelling Co., from Los Angeles, Calif., February 4, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Order Of Sanitary Nut Shelling Co. * * * Dark Amber 50 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On March 26, 1923, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11767. Adulteration and misbranding of canned corn. U. S. v. 168 Cases of Canned Corn. Decree entered ordering release of goods under bond to be relabeled. (F. & D. No. 17513. I. S. No. 1051-v. S. No. E-4393.)

On or about May 17, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 168 cases of canned corn, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by C. W. Baker & Sons, Middletown, Del., on or about November 21, 1922, and transported from the State of Delaware into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Morning Star * * * Sugar Corn Contents 1 Pound 3 Ounces * * * Distributed By G. H. Baker, Middletown, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, scrapings from corn cobs, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement, "Sugar Corn," and the design showing whole ears of corn, appearing on the labels of the cans containing the article, were false and misleading and deceived and misled the purchaser in that the said statement and design represented the

product to be whole sugar corn, whereas, in truth and in fact, it was not whole sugar corn but was a product consisting chiefly of corn-cob scrapings. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, sugar corn.

On June 28, 1923, Harold G. Baker, Middletown, Del., having appeared as claimant for the property and having agreed to relabel the product and pay the costs of inspection, a decree of the court was entered ordering the release of the product to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11768. Adulteration and misbranding of canned oysters. U. S. v. 50 Cases of Canned Cove Oysters. Decree finding product to be adulterated and misbranded and ordering that it might be released under bond to be relabeled. (F. & D. No. 17536. I. S. No. 5200-v. S. No. C-3983.)

On May 17, 1923, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of canned cove oysters at Ardmore, Okla., alleging that the article had been shipped by the Dunbar-Dukate Co., from Pass Christian, Miss., on or about January 9, 1922, and transported from the State of Mississippi into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pointer Brand * * * Cove Oysters * * * Net Contents 5 Oz. Oyster Meat. * * * Packed By Dunbar-Dukate Co., New Orleans, La.-Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been substituted in part for the said article.

Misbranding was alleged for the reason that the cans containing the article bore the statement, "Net Contents 5 Oz. Oyster Meat," which statement was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 27, 1923, a decree of the court was entered finding the product to be adulterated and misbranded, and it was ordered by the court that the product be released to the said claimant, the Tyler & Simpson Co., Ardmore, Okla., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a plain and conspicuous manner, "Slack Filled. Contains 4 Oz. Oyster Meat or 1 Oz. Less Than Capacity."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11769. Misbranding of lutein tablets. U. S. v. 2 Dozen Tubes of Lutein Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17663. I. S. No. 2785-v. S. No. E-4456.)

On July 23, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 dozen tubes of lutein tablets, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Morgenstern & Co., New York, N. Y., on or about June 1, 1923, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a spurious imitation product in tablet form, consisting of potato starch, licorice root, and celery seed, with little or no *Corpus luteum* or other glandular tissue.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold, namely, 5-grain lutein (*Corpus luteum*) tablets.

Misbranding was alleged in substance for the reason that the packages containing the article bore the following statements, designs, and devices regarding the said article and the ingredients and substances contained therein, "5 Gr. Lutein (*Corpus Luteum*) Tablets H. W. & D. * * * Baltimore Each

tablet represents approximately twenty grains of fully developed *corpora lutea*," which were false and misleading in that the said statements, designs, and devices indicated to the purchaser that the said packages contained the substances and ingredients named therein, when, in fact, they did not.

On August 20, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11770. Adulteration of tomato catsup. U. S. v. 21 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14652. I. S. No. 14876-t. S. No. C-2884.)

On March 22, 1921, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 cases of tomato catsup, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the J. T. Polk Co., Mound City, Ill., January 8, 1921, and transported from the State of Illinois into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Serv-us Brand Tomato Catsup * * * Serv-us Grocery Products Corporation Distributors, New York, Chicago, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in large part, if not wholly, of a filthy, putrid, and decomposed vegetable substance.

On May 25, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11771. Misbranding of McGraw's oil of life, McGraw's improved liquid herbs, and McGraw's golden prescription. U. S. v. 10 Bottles of McGraw's Improved Liquid Herbs, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16341, 16342, 16343. S. Nos. C-3643, C-3644, C-3645.)

On June 1, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 23 bottles of McGraw's improved liquid herbs, 7 bottles of McGraw's oil of life, and 4 bottles of McGraw's golden prescription, in various lots at Neodesha and Fort Scott, Kans., respectively, alleging that the articles had been shipped by the McGraw Remedy Co., from Little Rock, Ark., between the dates of December 12, 1921, and March 27, 1922, and transported from the State of Arkansas into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the oil of life consisted of approximately 95 per cent of kerosene and small proportions of turpentine oil, tar oil, and camphor, colored with alkanet; that the liquid herbs consisted of magnesium sulphate, a trace of iron citrate, extracts of plant drugs, including rhubarb and red pepper, water, and a small quantity of alcohol, flavored with methyl salicylate; and that the golden prescription consisted of aloes, iron and ammonium citrate, alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing on the cartons containing the bottles of McGraw's golden prescription, "Relieves * * * Indigestion and all Stomach Ailments, Liver and Kidney Diseases, Rheumatism and Blood diseases. It sweeps * * * Worms and catarrhal accretions from the system, soothes and allays chronic inflammation," and the following statements appearing on the cartons containing the bottles of McGraw's improved liquid herbs, "Relief For Stomach, Liver and Kidney Diseases * * * for diseases arising from a debilitated condition of the system, or impure blood, such as Erysipelas, Scrofula, and Scrofulous Affections, Salt Rheum, Teeter, Pimples, Blotches, Boils, Old Sores, Mercurial Diseases And Rheumatism. * * * Remedy For The Blood * * *. In * * * Dropsy * * * Ague, Etc. * * * Scrofula and Eruptions * * * as a blood cleanser * * * in case of pain in Kidneys and back. * * * wonderful power in restoring and invigorating the whole system, in renovating and enriching the blood, in giving

an appetite and a tone to the stomach. Recommended for Scrofula, Scrofulous Humors, Rheumatism, Ring Worms, Salt Rheum, Boils, Pimples and Humors on the Face, Catarrh * * * Faintness at the Stomach * * * Pains in the Back, Female Weakness, General Debility * * * and diseases arising from an impure state or low condition of the blood. * * * It effectually aids weak, impaired and debilitated organs, invigorates the nervous system, tones and strengthens the digestive organs and imparts new life and energy to all the functions of the body. * * * Strengthens and Builds up the system while it Eradicates Disease. * * * effectual and permanent relief in * * * Disorders of the Stomach, Liver, Kidneys and Bladder and for Gravel," and the following statements borne on the labels of the bottles containing McGraw's oil of life, "for old sloughing ulcers, white swelling, crushed and mangled limbs, it is of peculiar value. * * * For * * * headache * * * for colic or pain in the stomach or bowels * * * coughs, colds, and sore throat * * * for asthma * * * a valuable remedy for Hemorrhoids or Piles * * * For Rheumatism, Kidney & Bladder Diseases [Trouble]," regarding the therapeutic and curative effects of the said articles, were false and fraudulent in that the said statements were applied to the articles so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the articles contained ingredients capable of producing the therapeutic effects claimed on the said labels, when, in truth and in fact, they contained no ingredients or combinations of ingredients capable of producing such effects.

On November 21, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11772. Misbranding of vinegar. U. S. v. 312 Cases of Vinegar. Judgment of condemnation, forfeiture, and destruction. (F. & D. No. 16538. I. S. No. 9348-t. S. No. E-3999.)

On or about July 3, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 312 cases, each containing 24 pint bottles of vinegar, remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by the Star Cider & Vinegar Co., from Savannah, Ga., May 29, 1922, and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "One Pint Star Brand Distilled Vinegar For Table Or Pickling Star Cider & Vinegar Works Savannah, Georgia."

Misbranding of the article was alleged in the libel for the reason that the package or label bore a statement regarding the article or the ingredients or substances contained therein, as follows, "One Pint," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 19, 1922, no claimant having appeared for the property, and a jury having been impaneled and a verdict rendered for the Government, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11773. Adulteration of chloroform. U. S. v. 398 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16602. I. S. No. 13933-t. S. No. W-1145.)

On July 8, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 398 tins of chloroform, remaining in the original unbroken packages at Berkeley, Calif., alleging that the article had been shipped from New York, N. Y., May 24, 1922, and transported from the State of New York into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Quarter Pound Chloroform U. S. P. * * * Anesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained chlorides, chlorinated decomposition products, and impurities decomposable by sulphuric acid.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11774. Adulteration of shell eggs. U. S. v. 11 Cases of Eggs. Product released under bond to be sorted. Decree of condemnation and forfeiture entered with respect to bad portion. Good portion released to claimant and bad portion destroyed. (F. & D. No. 17099. I. S. No. 7617-v. S. No. W-1259.)

On December 8, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 cases of eggs, consigned by J. W. Williams, Atwood, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped from Atwood, Kans., on or about November 22, 1922, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Williams Atwood, Ks."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, decomposed and rotten eggs.

On January 26, 1923, R. C. Ellis and H. Deutsch, a copartnership, trading as the Ellis-Deutsch Produce Co., Denver, Colo., having theretofore appeared as claimant for the property and consented to the entry of a judgment, and having executed a good and sufficient bond in conformity with section 10 of the act, and the good portion of the product having been released to the said claimant and the bad portion destroyed, it was adjudged by the court that the bad portion of the said article was subject to condemnation and forfeiture and that the disposition theretofore made be ratified and confirmed and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11775. Adulteration and misbranding of lemon and vanilla flavors. U. S. v. Ric-O Extract Co., a Corporation. Plea of nolo contendere. Fine, \$200. (F. & D. No. 17245. I. S. Nos. 1326-v, 1327-v.)

At the March, 1923, term of the United States District Court within and for the Eastern District of Pennsylvania, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Ric-O Extract Co., a corporation, Reading, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 29, 1922, from the State of Pennsylvania into the State of Virginia, of quantities of lemon flavor and vanilla flavor which were adulterated and misbranded. The articles were labeled in part, respectively: "Rec-O 1 Oz. Compound Lemon Flavor Colored * * * Mfd. by Ric-O Extract Co. Successor to Reading Extract Co. Reading, Pa.;" "Rec-O 1 Oz. Compound Vanilla Flavor Colored * * * Mfd. by Reading Extract Co. Reading, Pa."

Analysis of a sample of the lemon flavor by the Bureau of Chemistry of this department showed that it was an imitation lemon flavor, consisting of a hydroalcoholic solution and containing a small quantity of citral, artificially colored. Analysis of a sample of the vanilla flavor by said bureau showed that it was an imitation vanilla flavor, consisting of a dilute alcoholic solution of vanillin and coumarin, artificially colored. Both products were found to be short in volume.

Adulteration of the articles was alleged in the information for the reason that a substance, to wit, a hydroalcoholic solution of citral, artificially colored, with respect to the lemon flavor, and a dilute alcoholic solution of vanillin and coumarin, artificially colored, with respect to the vanilla flavor, had been mixed and packed with the articles so as to lower and reduce and injuriously affect

their quality and strength and had been substituted in part for lemon flavor or vanilla flavor, as the case might be, which the articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to lemon flavor or vanilla flavor, as the case might be, and were colored so as to simulate the appearance of lemon flavor or vanilla flavor, in a manner whereby their inferiority to said products was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Lemon Flavor" and "1 Oz." and "Vanilla Flavor" and "1 Oz.," borne on the labels attached to the bottles containing the respective articles, regarding the articles and the ingredients and substances contained therein, were false and misleading in that they represented that the articles were lemon flavor or vanilla flavor, as the case might be, and that each of the said bottles contained 1 ounce of the respective articles, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of lemon flavor or vanilla flavor, as the case might be, and that each of the said bottles contained 1 ounce of the respective articles, whereas, in fact and in truth, they did not so consist but the said lemon flavor was a mixture composed in part of a hydroalcoholic solution of citral, artificially colored, the said vanilla flavor consisted in part of a dilute alcoholic solution of vanillin and coumarin, artificially colored, and each of the said bottles did not contain 1 ounce of the respective articles but did contain a less amount. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 11, 1923, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11776. Adulteration and misbranding of sauerkraut. U. S. v. 44 Cases of Sauerkraut. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17280. I. S. No. 9213-v. S. No. E-4304.)

On February 12, 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 44 cases of sauerkraut, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the W. H. Killian Co., from Baltimore, Md., on or about November 22, 1922, and transported from the State of Maryland into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Killian's Kuality * * * Sauer Kraut Contents 2 Lb. * * * Packed By W. H. Killian Co. Baltimore, U. S. A."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Kuality * * * Sauer Kraut Contents 2 Lb.," together with a design showing a cabbage, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 12, 1923, no claimant having appeared for the property, judgment of the court was entered condemning the product and ordering that it be disposed of by destruction or sale, with the proviso that if a claimant should appear and pay the costs of the proceedings and file a bond in the sum of \$100, in conformity with section 10 of the act, the product be delivered to the said claimant, conditioned in part that it be reconditioned. Subsequently the Brite-Mawrin Co., Cleveland, Ohio, appeared as claimant for the property and took it down under bond.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11777. Adulteration and alleged misbranding of canned oysters. U. S. v. 100 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17358. I. S. No. 8652-v. S. No. W-1353.)

On March 13, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., consigned by J. Langrall & Bro., Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., December 20, 1922, and transported from the State of Maryland into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maryland Chief Brand Baltimore * * * Cove Oysters Contents 5 Ounces Packed by J. Langrall & Bro. Inc. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Oysters," appearing in the labeling of the article, was false and misleading and deceived and misled the purchaser.

On May 14, 1923, J. Langrall & Bro., Inc., Baltimore, Md., having appeared through its agent as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered on the ground that the product was adulterated, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act, conditioned in part that it be made to comply with the provisions of the said act under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11778. Adulteration and misbranding of walnut meats. U. S. v. 15 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. Decree entered modifying previous decree to permit release of product under bond to be exported. (F. & D. No. 17488. I. S. No. 8378-v. S. No. W-1378.)

On May 3, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by C. E. Discher & Co., Seattle, Wash., March 17, 1923, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced as "Walnut Meat Crumbs."

Adulteration of the article was alleged in the libel for the reason that shell dirt and sticks had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy vegetable substance.

Misbranding of the article was alleged for the reason that it was offered for sale under the distinctive name of another article.

On June 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. On June 14, 1923, Wadhams & Kerr Bros. having appeared and petitioned for a modification of the said decree, judgment of the court was entered modifying the decree by eliminating the provision requiring destruction of the product, and it was ordered by the court that the product be delivered to Wadhams & Kerr Bros., under bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be reexported to the consignor at Vancouver, B. C.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11779. Adulteration of butter. U. S. v. 35 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17657. I. S. No. 8017-v. S. No. W-1393.)

On July 17, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 35 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Blue Valley Produce Co., from Portland, Oreg., July 7, 1923, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Valley Produce Co., Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted from the article.

On July 27, 1923, the C. H. Sommer Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11780. Adulteration and misbranding of red kidney beans. U. S. v. 45 Cases, et al., of Red Kidney Beans. Default decree of condemnation, forfeiture, and destruction with respect to a portion of the product. Consent decrees of condemnation and forfeiture with respect to remainder and product released under bond. (F. & D. Nos. 12236, 12280, 12281. I. S. Nos. 12465-r, 12470-r, 12471-r. S. Nos. C-1818, C-1819, C-1830.)

On March 5 and 10, 1920, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 74 cases of red kidney beans, in part at Marion and in part at Youngstown, Ohio, alleging that the article had been shipped by George Van Camp & Sons Co., Westfield, Ind., in various consignments, namely, on or about September 5, September 13, and October 17, 1919, respectively, and transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Acts. The article was labeled in part: "Red Kidney Beans Packed By George Van Camp & Sons Co. Westfield, Ind."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Red Kidney Beans," was false and misleading and deceived and misled the purchaser when applied to long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 1, 1922, George Van Camp & Sons Co. having appeared as claimant for 29 cases of the product and having admitted the allegations of the libels, judgments of the court were entered finding the said portion of the article to be misbranded and ordering its condemnation, and it was further ordered that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act. On December 30, 1922, no claimant having appeared for the remaining 45 cases of the product, a decree of the court was entered finding the said portion to be adulterated and misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said portion of the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11781. Misbranding of flu preventive and rheumatism recipe. U. S. v. 80 Cases Containing Flu Preventive and Rheumatism Recipe. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14650. S. No. W-888.)

On March 18, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 cases containing 2 dozen bottles each (mixed indiscriminately) of flu preventive and rheumatism recipe, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been

shipped by L. B. Boreiko, from Honolulu, Hawaii, arriving at San Francisco, Calif., February 1, 1921, and transported from the Territory of Hawaii into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the flu preventive by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs, including a laxative drug, and water, flavored with methyl salicylate. Approximately 99 per cent of the product was water. Analysis of a sample of the rheumatism recipe by said bureau showed that it consisted essentially of extracts of plant drugs, including a laxative drug, iodide, a mercury compound, and water. Approximately 99 per cent of the product was water.

Misbranding of the articles was alleged in the libel for the reason that the labeling bore the statement, "Alcohol 6 Per Cent," whereas the analysis showed that the flu preventive contained only a trace of alcohol and that the rheumatism recipe contained none. Misbranding was alleged for the further reason that the articles were labeled, respectively, as follows, (flu preventive) "Flu Preventive * * * Tonic And Restorative Preventive Because it puts the System in condition to resist the Flu. Restorative Because It Brings Renewed Vitality," (rheumatism recipe) "Purifies the Blood * * * Two Bottles Are Usually Sufficient," which statements were false and fraudulent since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11782. Adulteration of coal-tar color. U. S. v. 1 Can of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14673. I. S. No. 2340-t. S. No. C-2893.)

On March 24, 1921, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 can of coal-tar color, remaining in the original unbroken package at Dennison, Ohio, alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis, Mo., on or about March 3, 1921, and transported from the State of Missouri into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co. * * * St. Louis * * * Complies With All Requirements * * * Quality Color * * * Number 112 Contents Red."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On June 15, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11783. Misbranding of Leslie's emmenagogue pills, Arthur's emmenagogue pills, and Thomas' emmenagogue pills. U. S. v. 12 Packages of Leslie's Emmenagogue Pills, 11 Packages of Arthur's Emmenagogue Pills, and 5 Packages of Thomas' Emmenagogue Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15112. S. No. C-3099.)

On July 4, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 packages of Leslie's emmenagogue pills, 11 packages of Arthur's emmenagogue pills, and 5 packages of Thomas' emmenagogue pills at Jacksonville, Tex., alleging that the articles had been shipped by the Palestine Drug Co., from St. Louis, Mo., in part October 25, 1919, and in part November 6, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the pills contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink.

It was alleged in substance in the libel that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles, (box) "Emmenagogue Pills recommended for Amenorrhea, Dysmenorrhea and other Menstrual Troubles. * * * beginning treatment * * * before the regular monthly period. * * * continue * * * until relief is obtained," were false and fraudulent for the reason that the articles contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 3, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11784. Misbranding of Crab Orchard concentrated mineral water. U. S. v. 22 Bottles of Crab Orchard Concentrated Mineral Water. Tried to the court and a jury. Verdict for the Government. Judgment of condemnation and forfeiture. Product released under bond to be relabeled. Case pending on appeal in U. S. Circuit Court of Appeals. (F. & D. No. 15395. I. S. No. 903-t. S. No. C-3245.)

On September 22, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on October 7, 1921, an amended libel, praying the seizure and condemnation of 22 bottles of Crab Orchard concentrated mineral water at Cincinnati, Ohio, consigned by L. H. Goodwin & Co., Crab Orchard, Ky., September 6, 1921, alleging that the article had been shipped from Crab Orchard, Ky., and transported from the State of Kentucky into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Beneficial in the Treatment of * * * Rheumatism, Piles, Indigestion, Dyspepsia, Dysentery * * * Headaches, and other Ailments arising from Diseases of the Stomach, Kidneys, Liver and Impure Blood. It is a Remedy * * * to cure or relieve * * * afflicted [of] humanity. * * * possesses the necessary elements for the speedy and permanent restoration to perfect health. It strengthens every fibre of the human system and imparts to the nerves a new force of determined energy. Even the aged find in its [their] healing powers a most reliable remedy for the restoration of failing vitality. * * * At the appearance of indisposition, it proves a most reliable remedy. * * * It is in every way a *health preserver* as well as a *healer*. Where habitually used the physician is a stranger * * *. For the Liver, Kidneys, Rheumatism * * * Dysentery.—One teaspoonful * * * until relieved * * * never should the remedy be entirely discontinued until complete health is restored. * * * It quickly destroys the germs of disease and removes the causes of ailments by purifying the blood and cleansing the entire system of uric acid poisoning and poisonous germs;" (carton) "Beneficial In Treating * * * Rheumatism Lumbago Loss Of Appetite * * * Headache Vertigo Sleeplessness * * * Bilious Colic Indigestion Dyspepsia Piles Kidney Disease Bladder Trouble Liver Complaint Jaundice Dysentery Catarrh Eczema And All Other Diseases Arising From A Disordered Stomach, Liver * * * And Impure Blood. * * * Tonic And * * * System Regulator."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

| Salts (by combining the radicals). | Grains per quart. |
|--|-------------------------|
| Epsom salt ($\text{MgSO}_4 \cdot 7\text{H}_2\text{O}$) | 5,516.74 |
| Glauber's salt ($\text{Na}_2\text{SO}_4 \cdot 10\text{H}_2\text{O}$) | 1,434.81 |
| Common salt (NaCl) | 32.99 |
| Dolomitic limestone (CaCO_3 and MgCO_3) | 21.53 |
| Total | 7,006.07 |

It was alleged in substance in the libel that the article was misbranded in that the labeling bore the above-quoted statements, regarding the curative or therapeutic effect of the said article, which were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the said statements.

On November 28, 1922, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following charge to the jury (Peck, *D. J.*) :

"Gentlemen of the jury, it is now my duty in this, as it is in other cases, to charge you with regard to the law which will govern your deliberations; that is to say, charge you with regard to the law in the case. You are the sole judges of the facts; it is entirely within your province to say what the facts are. It is the duty of the court to declare the law to you, and it is your duty to accept the law as the court declares it and to apply it to the facts as you find them to be, and so reach your verdict and say whether you find that this product is misbranded or is not misbranded; for that is the issue in this case. I say, the issue is whether or not the product is misbranded. The branding consists of all the statements made upon the label and upon the outside of the carton or box in which the bottles are enclosed.

"The Government states its case in a paper called a libel, and the libel of the Government charges that this product is misbranded in the following statements: [The court here quoted the foregoing labeling].

"Those are the statements which the Government claims constitute the misbranding of this product.

"The defendant, or rather, we call the opposite party here the claimant, answers and denies that this product is misbranded. The burden of proof is upon the Government of the United States to prove by a preponderance of evidence which is clear and convincing that this product is misbranded before you can find it misbranded.

"In order to prove it misbranded it must be shown that the statements charged as misbranding in the libel, which I have just read to you, are in whole or in some substantial part false and fraudulent. By 'false' is meant not true. The term, I think, needs no definition. That which does not square with the truth is false. 'Fraudulent' means with deception deliberately practiced with a view of gaining an unfair advantage. If one knowingly makes a false statement for the purpose of gaining an unfair advantage, as an unfair advantage over purchasers—those of the public who may purchase—such false statement is also fraudulent. If one makes a false statement recklessly, that is to say, in reckless disregard of the truth, without taking steps to ascertain whether that which is claimed is true or false, and if the natural effect and consequence will be, if the statement turns out to be false, to take advantage or gain an advantage of the purchaser, then that statement would be a fraudulent statement. If one innocently believing in the truth of what is stated makes a statement concerning that which is contained in the package—not intending to deceive anybody, in good faith and believing in the truth of that which is stated—it can not be a fraudulent statement even though it turns out to be false in fact. In other words, gentlemen, it comes to this: Was there a false statement made in bad faith or was there not? If false, but made in good faith, the product could not be considered misbranded; if true, the product could not be considered misbranded; but if false and made in bad faith, fraudulently, then the product would be misbranded.

"Now I have said this applies to the statements made on the label and on the exterior of the carton, so far as they are set forth in the Government's pleading called the libel, in whole or in part. In other words, if any substantial part of these statements are false and fraudulent or, I should say, if any substantial part of these statements is false and fraudulent, the fact that the remainder may be innocent would not save the package from being misbranded. It is the purpose of the Pure Food and Drugs Act to promote honest dealing between those who sell and those who buy, through the medium of interstate commerce, articles of this kind. It is admitted that these articles were articles that passed through interstate commerce. It is just as though the seller stood face to face with the buyer and said, 'I sell you this package. This package contains thus and so. Its qualities are thus and so.' These statements are to be treated as though they were made by word of mouth between

two people, the purchaser relying and having the right to rely upon what the seller said to him. It is the purpose of the Pure Food and Drugs Act to insist that people deal without fraud in making such statements.

"Now the words upon this label and on this carton—I have stated during the course of the trial to you and now briefly repeat—are to be taken in their ordinary sense, as an ordinary purchaser of reasonable intelligence would take them. In judging whether these statements were fraudulent, you may take into consideration all of the surrounding circumstances—everything that had come to the attention and notice of the person who made these statements and put them upon this carton. You may take into consideration the fact, if it be a fact, that under some circumstances and at some times this water had been ordered by a physician to be sold to certain persons; but of course you can only give that such effect as it is reasonably entitled to receive. Having considered all of the surrounding circumstances, you will say to yourselves: Was the maker of this label and this carton justified, that is to say, was the one who put out this product justified in fact in putting these statements on it and putting this product before the public with these statements on it? Was that or was it not an honest act?

"You are the sole judges of the credibility of the witnesses, that is to say, the extent to which you will believe the witnesses who have testified before you, and it is your duty to reconcile the conflicting testimony of various witnesses and conflicting statements so far as it may reasonably be done.

"Witnesses, those who are supposed to know more than the ordinary person about such subjects, such as chemists and physicians, have been permitted to give their opinions as to various matters. Opinion evidence is not binding upon you, but should be considered in connection with all the other evidence in the case. Should you believe it, you may accept and follow it. By an opinion I mean a statement or a conclusion arrived at by the witness from experience or from knowledge, as distinguished from testimony concerning a direct fact. If I were to say, 'That is a stone house across the street that I see,' that would be a statement of fact; but were I to say that 'My belief is that that house is worth two hundred thousand dollars,' that would be merely an opinion as to its value.

"Now you are the sole judges of the value of opinion evidence. Of course, an opinion is worthless unless it is the honest opinion of the man who states it. If it is his honest opinion, then its value depends upon how much he knows about the subject concerning which he is testifying. If he is thoroughly experienced, thoroughly grounded in his subject, if his opinion is the result of mature reflection, if he is a man of strong logical intellect, his opinion would be entitled to great value. If, on the other hand, he was incapable of logical thinking, or if he was not well grounded in his subject, not familiar with the facts upon which his conclusion is assumed to be based, then of course his opinion would be of little or no value; and it is for you to decide what value you will give to the opinion evidence that you have heard.

"Now a great deal of the evidence of the witnesses who have testified concerning their own ailments is in the nature of opinion evidence. Those witnesses who testified that they had well-known, easily discernible diseases, or easily told diseases—I will say, such as headache or constipation, or something of that sort—of course there would be very little reason to doubt that they knew what they had. But if one testified that he thought that he had some more obscure disease, more difficult to diagnose, and his diagnosis of what he had depended entirely upon his own opinion and he was unable to make such a diagnosis, his opinion would be of very little value. Those are matters for you to take into consideration in weighing the testimony of the witnesses.

"You may also consider the interest of the witnesses, if they have any, in the outcome of the case—their affiliation with either of the parties, their manner of testifying, their appearance upon the witness stand, whether their testimony was logical or otherwise—these and any or all other subjects touching the credibility of the various witnesses you may take into consideration; and having considered all matters, you will give to the testimony of each and every witness such weight as you find it entitled to receive. That is your province.

"And now, gentlemen, if upon a consideration of all the evidence you find that the statements charged in the libel are false and fraudulent in any substantial part, you will find the product to be misbranded. If, on the other hand, you do not find that the statements charged in the libel are false and fraudulent in some substantial particular, then you will find the product to be not misbranded."

The jury then retired and after due deliberation returned a verdict for the Government. On December 1, 1922, the claimant filed a motion for a new trial which motion was overruled, to which ruling the claimant excepted. On December 30, 1922, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal, with the proviso in said judgment that the product might be released to the claimant, Idie C. Goodwin, for and on behalf of L. H. Goodwin & Co., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the product be relabeled in a manner satisfactory to this department. On January 13, 1923, the claimant having theretofore filed a motion that the verdict of the jury be set aside and judgment entered for the claimant, and said motion having been overruled and exception to said ruling having been duly taken by the claimant, the above judgment was corrected to incorporate said motion, ruling, and exception. The claimant having perfected an appeal, the case is now pending on appeal in the United States Circuit Court of Appeals for the Sixth Circuit.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11785. Adulteration of canned cherries. U. S. v. 400 Cases of Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16862. I. S. No. 8855-v. S. No. C-3809.)

On or about September 30, 1922, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on December 7, 1922, an amended libel, praying the seizure and condemnation of 400 cases of cherries, remaining in the original unbroken cases at Akron, Ohio, alleging that the article had been shipped by the Francis H. Haserot Co., Traverse City, Mich., on or about August 14, 1922, and transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mission Brand Pitted Cherries Francis H. Haserot Co. Packers Factory - Haserot Pier Grand Traverse Bay, Mich. The Haserot Company Distributors Cleveland, Ohio."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On March 23, 1923, the Francis H. Haserot Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be not disposed of in violation of law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11786. Adulteration and misbranding of vinegar. U. S. v. 129 Cartons of Apple Cider Vinegar. Decree ordering release of product under bond to be relabeled. (F. & D. No. 16919. I. S. No. 9208-v. S. No. C-2934.)

On November 13, 1922, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 129 cartons of apple cider vinegar at Cleveland, Ohio, alleging that the article had been shipped by the Powell Corp., from Canandaigua, N. Y., on or about September 7, 1922, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tri W Brand * * * 16 Oz. * * * Reduced With Water To 4% Acetic Strength Pure Apple Cider Vinegar."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Pure Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 26, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be emptied into barrels and labeled, "Cider Vinegar and Distilled Vinegar, Reduced to 4% Acidity."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11787. Adulteration and misbranding of canned oysters. U. S. v. 175 Cases, et al., of Oysters. Product ordered released under bond to be reconditioned. (F. & D. Nos. 17204, 17301. I. S. Nos. 8263-v, 8339-v, 8340-v, 8341-v. S. Nos. W-1299, W-1318.)

On January 30 and February 26, 1923, respectively, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 625 cases of oysters, remaining unsold in the original unbroken packages at Spokane, Wash., consigned by the Dunbar-Dukate Co., from New Orleans, La., in part December 1 and in part December 30, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled variously, in part: "Net Contents 8 Ounces Oyster Meat. Pelican Brand Cove Oysters * * * Packed By Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss.;" "High Tide Brand * * * Cove Oysters * * * Contents 5 Oz. Exclusive of Liquid;" "Pointer Brand * * * Cove Oysters * * * Net Contents 5 Oz. Oyster Meat * * * Packed By Dunbar-Dukate Co.;" "Blue Jay Brand * * * Oysters Net Contents 4 Oz. Oyster Meat * * * Packed By Dunbar-Dukate Co."

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality.

Misbranding was alleged with respect to the Pelican brand oysters for the reason that the statement, "Oysters," was false and misleading and deceived and misled the purchaser in that the said statement represented that the cans contained a different article than was contained therein. Misbranding was alleged for the further reason that the article was offered for sale under the name of another article.

Misbranding was alleged in substance with respect to the remainder of the article for the reason that the statements appearing on the cans containing the article, "Net Contents 5 Oz." and "4 Oz. Oyster Meat," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 10 and July 16, 1923, respectively, the Powell-Sanders Co., the Roundup Grocery Co., and B. L. Gordon & Co., all of Spokane, Wash., having theretofore appeared as claimants for respective portions of the product, and the said product having been released under bond to the said claimants for the purpose of being relabeled, and it having appeared that the product had been reconditioned in conformity with law and that the costs of the proceedings had been paid, it was ordered by the court that the product be released and the bonds discharged.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11788. Adulteration and misbranding of canned oysters. U. S. v. 150 Cases of Oysters. Product ordered released under bond to be relabeled. (F. & D. No. 17306. I. S. No. 8284-v. S. No. W-1324.)

On February 26, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 cases of oysters, remaining in the original unbroken packages at Spokane, Wash., consigned by the Dunbar-Dukate Co., New Orleans, La., alleging that the article had been shipped from New Orleans, La., December 20, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Deer

Head * * * Oysters Net Contents 8 Oz. Oyster Meat Packed By Dunbar-Dukate Co. New Orleans. La.=Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality.

Misbranding was alleged in substance for the further reason that the label appearing on each of the cans containing the article bore the statement that the said cans contained "8 Oz. Oyster Meat" which was false and misleading in that it represented that the said cans contained a different article than was therein contained. Misbranding was alleged for the further reason that by means of the said labeling the article was offered for sale under the name of another article.

On March 16, 1923, the McClintock-Trunkey Co., Spokane, Wash., having appeared as claimant for the property and having filed a bond in the sum of \$500, an order of the court was entered providing for the release of the product to be relabeled, and on July 10, 1923, it having appeared that the product had been reconditioned in conformity with the law and that the costs of the proceedings had been paid, it was ordered by the court that the product be released and the bond discharged.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11789. Misbranding and alleged adulteration of canned oysters. U. S. v. 350 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17537. I. S. Nos. 5180-v, 5326-v. S. No. C-3984.)

On or about May 17, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 350 cases of oysters at Kansas City, Mo., alleging that the article had been shipped by the Dunbar-Dukate Co., from New Orleans, La., on or about May 16, 1923, and transported from the State of Louisiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Buck Brand * * * Oysters Standard * * * Packed by Dunbar-Dukate Co. New Orleans, La.=Biloxi, Miss. * * * Net Contents 10 Ounces Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that it had been mixed and packed with excessive brine, which said brine had been substituted wholly or in part for the said article so that its quality and strength had been reduced and lowered.

Misbranding of the article was alleged for the reason that the statement on the labels, "10 Ounces," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On August 23, 1923, the Dunbar-Dukate Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered finding the product to be misbranded, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11790. Adulteration and misbranding of coal-tar color. U. S. v. 2 Pounds, et al., of Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14799, 14837, 15110. I. S. Nos. 3153-t, 3154-t, 3155-t, 4483-t. S. Nos. C-2968, C-2998, C-3097.)

On April 16, April 28, and July 6, 1921, respectively, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on April 27, 1923, amended libels, praying the seizure and condemnation of 5½ pounds of coal-tar color, remaining in the original packages at San Antonio, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in various consignments, on or about October 14 and

December 15, 1920, and March 2 and 7, 1921, respectively, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co. * * * Complies With All Requirements * * * Contents Green" (or "Contents Red" or "Contents Yellow").

Adulteration of the article was alleged in the libels for the reason that sodium chloride and sodium sulphate had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that the product contained a certain quantity of a poisonous and deleterious ingredient, namely, arsenic, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the labels of respective portions of the article bore the following statements, "Complies With All Requirements Warranted Quality Color * * * Number 810 Contents Yellow" or "Complies With All Requirements Warranted Quality * * * Number 1110 Contents Green" or "Complies With All Requirements Warranted Quality Color * * * Number 112 Contents Red," as the case might be, which statements were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser in that the said article was not a Government-certified coloring material with a salt content less than 5 per cent and was not an article which complied with the food inspection decisions of the Department of Agriculture and the requirements for certification by said department in the matter of salt and other contents.

On May 11, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11791. Adulteration of egg yolk. U. S. v. 275 Cases, 371 Cases, 160 Cases, and 24 Cases of Egg Yolk. Consent decree entered with respect to 275 cases and product ordered sorted and good portion ordered released to claimant. Decrees entered with respect to remainder and good portion ordered released and bad portion ordered destroyed or released under bond to be used for industrial purposes. (F. & D. Nos. 15892, 15893, 15894, 15895. S. No. E-3751.)

On January 5, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 830 cases of egg yolk, remaining in the original unbroken packages in part at Brooklyn and in part at Staten Island, N. Y., alleging that the article had been shipped by Olivier & Cie, from Hankow, China, in various consignments, on or about September 29, October 2, November 15, and December 6, 1920, respectively, and transported in foreign commerce into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 16, 1922, the Merchants National Bank, Baltimore, Md., having appeared as claimant for 275 cases of the product and having consented to the entry of a decree, judgment of the court was entered ordering that the said 275 cases of the product be examined under the supervision of this department and the good portion released to the said claimant with permission to sell the product. On June 29 and August 1, 1922, Stein-Hall & Co., Olivier & Co., and the Sturges Egg Products Co., all of New York, N. Y., having appeared as claimants for respective portions of the remainder of the said product, and an examination under the supervision of this department having disclosed that the contents of certain of the cases was good and fit for sale for human food, decrees of the court were entered ordering that the good portion be released to the respective claimants upon payment of the costs of the proceedings and that the bad portion be destroyed or admitted for import upon the execution of bonds in the aggregate sum of \$10,000, conditioned that the product be used for industrial purposes.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11792. Adulteration of canned salmon. U. S. v. 999 Cases of Salmon. Tried to the court without a jury. Judgment of condemnation and forfeiture. Product released under bond to be salvaged and re-canned. (F. & D. No. 16110. I. S. No. 4254-t. S. No. C-3507.)

On November 22, 1921, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 999 cases of salmon, remaining in the original unbroken cases at Knoxville, Tenn., alleging that the article had been shipped by W. R. Beatty & Co., Vancouver, B. C., Canada, on or about September 22, 1921, and imported from a foreign country into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Kay-Square Brand * * * Select Pink Salmon Net Contents 15½ Oz. Keen-Eye Inspection Fresh Fish Clean Canneries * * * Kenai Packing Co. Seattle, Wash. Inspected;" (case) "4 Doz. 1 Lb. Talls Pink Salmon Packed By Kenai Packing Company Drier Bay, Alaska K P ^K₀₂."

Adulteration of the article was alleged in the libel for the reason that it consisted in a large part, if not wholly, of a filthy, decomposed, and putrid animal substance.

On July 23, 1923, Fowler Bros. & Cox, Knoxville, Tenn., having appeared as claimant for the property and the case having come on for final disposition before the court without a jury, a decree of condemnation and forfeiture was entered on the ground that the product consisted in part of a filthy, decomposed, and putrid animal substance, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that it be shipped to a salmon canning establishment satisfactory to this department for the purpose of being salvaged and reconditioned by actual recanning, the bad portion to be destroyed or the entire lot to be destroyed if the reconditioning was unsuccessful, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11793. Adulteration and misbranding of vinegar. U. S. v. 2 Half Barrels and 1 Barrel of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16326. I. S. Nos. 9335-t, 9336-t. S. No. E-3869.)

On May 25, 1922, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 half barrels and 1 barrel of vinegar, remaining in the original unbroken packages at Prosperity, S. C., alleging that the article had been shipped by the Fruit Products Co., from Savannah, Ga., on or about April 24, 1922, and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fruit Products Red Distilled Vinegar Colored * * * Pickling Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels bore the statements regarding the article, "Fruit Products Red Distilled Vinegar Colored 34 Pickling Savannah, Ga." or "Fruit Products Red Vinegar Colored 48 Pickling Savannah, Ga.," as the case might be, which were false and misleading and deceived and misled the purchaser, since the article was not red distilled vinegar but had been adulterated with excessive water. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 15, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11794. Alleged adulteration of tankage. U. S. v. 33 Bags of Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16783. I. S. No. 4476-v. S. No. C-3788.)

On August 30, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 bags of tankage, remaining in the original unbroken packages at Greenville, Ohio, consigned by H. E. Motts Co., of Cleveland, Ohio, from Syracuse, N. Y., November 19, 1921, alleging that the article had been shipped from Syracuse, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Motts Vegetable Tankage H. E. Motts Co., Cleveland, Ohio."

Adulteration of the article was alleged in the libel for the reason that glass had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, glass, which might render it injurious to health.

On May 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11795. Adulteration of chloroform. U. S. v. 369 $\frac{1}{2}$ -Pound Tins, et al., of Chloroform. Decree ordering release of product under bond. (F. & D. No. 16786. S. Nos. C-3794, C-3795, C-3796.)

On or about September 14, 1922, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,949 tins of chloroform at Gainesville, Tex., alleging that the article had been shipped from New York, N. Y., in various consignments, namely, on February 25, March 11, and April 5, 1922, respectively, and transported from the State of New York into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the chloroform in one shipment contained impurities decomposable by sulphuric acid and chlorinated decomposition products and that the chloroform in the remaining shipments was turbid, upon evaporation it left a foreign odor, and it contained chlorides, impurities decomposable by sulphuric acid, odorous decomposition products, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On May 31, 1923, H. W. Stark, Gainesville, Tex., having appeared as claimant for the property, judgment of the court was entered ordering that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11796. Misbranding of tankage. U. S. v. 18 Sacks of Hyklass Digester Tankage. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17252. I. S. No. 9629-v. S. No. C-3878.)

On February 5, 1923, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 sacks of Hyklass digester tankage at Keokuk, Iowa, alleging that the article had been shipped by the Rogers By-Products Co., Aurora, Ill., on or about December 14, 1922, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "100 Lbs. Hyklass * * * Digester Tankage Guaranteed Analysis Protein 60% * * * Made By Rogers By-Products Co. Aurora, Ill."

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the packages containing the said article bore the

statement that it contained 60 per cent of protein, which statement was false and misleading and had a tendency to and did mislead and deceive purchasers in that the article did not contain 60 per cent of protein.

On April 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold without labels by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11797. Adulteration of walnuts. U. S. v. 35 Sacks of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17300. I. S. No. 4056-v. S. No. C-3912.)

On February 24, 1923, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 sacks of walnuts, remaining unsold in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by the Gordon Van Storage Co., from Omaha, Nebr., on or about June 2, 1922, and transported from the State of Nebraska into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was a vegetable substance and was in whole or in part filthy, decomposed, and putrid.

On April 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11798. Adulteration and alleged misbranding of corn sirup jelly. U. S. v. 10 Cases of Jelly. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 17505. I. S. No. 8566-v. S. No. W-1379.)

On May 9, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of jelly, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Corn Products Refining Co., from Kansas City, Mo., February 13, 1923, and transported from the State of Missouri into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rex * * * Corn Syrup Apple Jelly Made With Approximately 75% Corn Syrup And 25% Juice From Apple Parings. Contains Added Phosphoric Acid And Vegetable Color. Net Weight 10 Pounds Manufactured By Corn Products Refining Co. General Offices: New York, U. S. A."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that acidified corn sirup pectin jelly had been substituted wholly or in part for corn sirup apple jelly containing phosphoric acid and color.

Misbranding was alleged for the reason that the statement, "Corn Syrup Apple Jelly," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 12, 1923, the Corn Products Refining Co., claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation and forfeiture was entered on the ground that the product was adulterated, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the direction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11799. Adulteration and misbranding of grape flavor. U. S. v. 17 Gallons of Alleged Grape Flavor. Consent decree providing for release of product under bond to be relabeled. (F. & D. No. 17655. I. S. No. 1373-v. S. No. E-4444.)

On July 16, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemna-

tion of 17 gallons of alleged grape flavor, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Southern Beverage Co., Galveston, Tex., on or about June 2, 1923, and transported from the State of Texas into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Triple * * * 'XXX' * * * Brand Grape Julo Extract * * * Southern Beverage Company Galveston, Texas."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, an imitation grape flavor, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for grape flavor, which the said article purported to be. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Triple * * * 'XXX' * * * Grape Julo Extract," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On August 6, 1923, the Southern Beverage Co., Galveston, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11800. Misbranding of Bick's sarsaparilla, Bick's nerve tonic, Arthur's emmenagogue pills, Thomas' emmenagogue pills, Leslie's emmenagogue pills, La Derma vagiseptic discs, Bick's sextone pills, Arthur's sextone tablets, and Bick's Daisy 99. U. S. v. 11 Packages of Arthur's Emmenagogue Pills, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15121, 15307, 15314, 15388, 15389, 15390. S. Nos. C-3103, C-3141, C-3142, C-3143, C-3144, C-3145, C-3147, C-3148, C-3149, C-3150, C-3151, C-3215, C-3222, C-3228.)

On July 15, August 6, August 15, and September 22, 1921, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1 bottle of Bick's sarsaparilla, 42 boxes of Bick's nerve tonic, 47 boxes of Arthur's emmenagogue pills, 139 boxes of Thomas' emmenagogue pills, 65 boxes of Leslie's emmenagogue pills, 39 boxes of La Derma vagiseptic discs, 44 boxes of Bick's sextone pills, 54 boxes of Arthur's sextone tablets, and 20 boxes of Bick's Daisy 99, remaining in the original packages in various lots at Amarillo, Plainview, and Clarendon, Tex., respectively, alleging that the articles had been shipped by the Palestine Drug Co., from St. Louis, Mo., between the dates of August 2, 1919, and September 16, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled, respectively, in part: (Bick's sarsaparilla) (bottle) "to be taken regularly as long as impurity exists in the blood. * * * one of the best remedies in existence for purposes claimed. Remember that constitutional diseases or diseases of long standing cannot be cured in a week or so by any remedy," (wrapper) "for the Treatment of all Diseases due to Impure Blood such as Chronic Rheumatism, Secondary Syphilis, Scrofula, Pimples, Boils, Etc. * * * is especially and specifically designed to give the greatest possible benefit in the treatment of diseases due to impure and impoverished blood;" (Bick's nerve tonic) (wrapper) "Nerve Tonic * * * for Nervous Prostration and bodily aches and pains. * * * a nerve * * * tonic * * * for all female complaints. * * * for Weakness, Nervousness, Headache, Kidney Trouble, and loss of Power in either Sex. * * * for female weakness heart trouble and where a general breakdown of the nervous system exists;" (Arthur's, Leslie's, and Thomas' emmenagogue pills) (box) "Emmenagogue Pills recommended for Ammenorrhea, Dysmenorrhea and other

Menstrual Troubles. * * * beginning treatment * * * before the regular monthly period. * * * continue * * * until relief is obtained;" (La Derma vagiseptic discs) (wrapper) "for * * * Amenorrhoea and other Uterine and Vaginal Disorders," (circular) "For * * * Ammenorrhoea * * * Ulceration of the Uterus and Catarrh of the Uterus * * * Gonorrhoea;" (Bick's sextone pills) (box) "Sextone Pills * * * Composed of * * * Aphrodisiac Agencies;" (Arthur's sextone tablets) (wrapper) "Designed to Correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. * * * Sextone Tablets For Either Sex * * * Composed of * * * the Most Potent and Dependable Aphrodisiac Agencies," (circular) "Sextone Tablets * * * cases of exhaustion of nervous energy * * * stimulate * * * the Sexual Plexes * * * nourish the nervous system and build it up;" (Bick's Daisy 99) "Bick's Daisy 99 * * * Gonorrhea Gleet and functional ailments of the Kidneys and Bladder in both Male and Female."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Bick's sarsaparilla compound contained less than 1 per cent of sodium salicylate, 0.7 per cent of potassium iodide, extracts of plant drugs, including sarsaparilla and a laxative drug, sugar, alcohol, and water; the Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium phosphate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; the Arthur's emmenagogue pills, the Thomas' emmenagogue pills, and the Leslie's emmenagogue pills contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink; the La Derma vagiseptic discs contained salt, alum, starch, milk, sugar, and talc; the Bick's sextone pills consisted of two products—chocolate-colored pills containing a small quantity of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxide, and 7 per cent of powdered talc, and orange-colored tablets containing 31 per cent of metallic iron, 11 per cent of calcium carbonate, extract of nux vomica, and sugar; the Arthur's sextone tablets contained iron oxide, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; and the Bick's Daisy 99 consisted of tablets containing iron sulphate, methylene blue, and material derived from plants including cubeba, copaiba, santalwood, and starch, coated with sugar and calcium carbonate.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labeling of the respective products were false and fraudulent in that the said articles contained no ingredients or combinations of ingredients capable of producing the said therapeutic effects.

On November 2, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11801-11850.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 13, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11801. Misbranding of Nervosex tablets. U. S. v. 4 Boxes and 11 Boxes of Nervosex Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15122, 15271. S. Nos. C-3108, C-3138.)

On July 11 and 26, 1921, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 15 boxes of Nervosex tablets, remaining in the original packages, in part at Clarendon and in part at Amarillo, Tex., alleging that the article had been shipped by the United Laboratories, from St. Louis, Mo., in two consignments, namely, on or about July 23 and 29, 1920, respectively, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Nervosex Tablets * * * A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the tablets contained essentially extract of plant material, including nux vomica, and compounds of iron, calcium, zinc, and phosphorus.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labeling were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On November 2, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11802. Adulteration of shell eggs. U. S. v. Gray B. Emerson and William B. Emerson (Emerson Bros.). Pleas of guilty. Fine, \$25. (F. & D. No. 15852. I. S. No. 9306-t.)

On March 16, 1922, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gray B. Emerson and William B. Emerson, copartners, trading as Emerson Bros., Bear Creek, N. C., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 17 and 18, 1921, respectively, from the State of North Carolina into the State of South Carolina, of quantities of shell eggs which were adulterated. The article was labeled in part: "From Emerson Brothers Wholesale Dealers In Chickens And Eggs Bear Creek, N. C."

Examination by the Bureau of Chemistry of this department of the 1,440 eggs in the consignment showed that 115, or 7.93 per cent of the total, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 4, 1923, the case having come on for final disposition before the court and a jury, upon pleas of technical guilt by the defendants, the jury returned a verdict of guilty, and judgment of the court was entered ordering that the Government recover from the defendants \$25 in lieu of penalty and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11803. Adulteration of canned sardines. U. S. v. 850 Cases of Stag Brand Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16594. I. S. No. 18263-t. S. No. C-3689.)

On July 8, 1922, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 850 cases of Stag brand sardines at San Antonio, Tex., alleging that the article had been shipped by the Ramsdell Packing Co., of Lubec, Me., from New York, N. Y., on or about March 25, 1922, and transported from the State of New York into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Stag Brand * * * American Sardines In Cottonseed Oil Packed By Ramsdell Packing Co. Lubec * * * Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On December 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11804. Adulteration of canned sausage. U. S. v. 80 Cases of Vienna Sausage. Default decree of condemnation, forfeiture, and destruction with respect to 21 cases of the product. Decree entered ordering release of remainder under bond. (F. & D. No. 16165. I. S. No. 2849-t. S. No. C-3579.)

On April 26, 1922, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 cases of Vienna sausage, remaining unsold in the original unbroken packages at Mobile, Ala., alleging that the article had been shipped by the Independent Packing Co., from Chicago, Ill., March 10, 1922, and transported from the State of Illinois into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Independent Packing Co's. Extra Brand Vienna Sausage Prepared From Meat Passed For Sterilization Made In Chicago, U. S. A."

It was alleged in substance in the libel that the product violated the said act in that it consisted wholly or in part of an adulterated, filthy, decomposed, and putrid animal substance.

On May 20, 1922, no claimant having appeared for the property, and 21 cases of the product having become so spoiled as to be no longer safely stored, judgment of the court was entered ordering that the said 21 cases be destroyed by the United States marshal. During March, 1923, the Independent Packing Co., Chicago, Ill., appeared as claimant for the remainder of the product, and filed a bond in the sum of \$400 providing for the release of the product, conditioned that it be not sold or disposed of. On April 9, 1923, an order of the court was entered directing that the product be released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11805. Misbranding of Orange Blossom female suppositories. U. S. v. 124 Boxes of Orange Blossom Female Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16666. S. No. C-3723.)

On July 31, 1922, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and

condemnation of 124 boxes of Orange Blossom female suppositories at Burlington, Iowa, alleging that the article had been shipped by Dr. J. A. McGill & Co., Chicago, Ill., on or about April 15, 1922, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "For Diseases Peculiar To Women * * * Female Weakness * * * In cases of Pregnancy, the Suppositories may be safely used up to the fourth month * * * consequently relieving the patient of much suffering at child-birth. In cases of Change of Life, the Suppositories will relieve the organ of the morbid conditions * * * Nervous sick headache, backache, irritation of the stomach, spinal irritation, pain between the shoulders, distressing sensation in the back of the head, nape of the neck, and numbness and coldness of the extremities. In these cases the Suppositories will give relief by their action on the womb. * * * For * * * Inflammation, Congestion and Falling of the Womb, Anteversion, Retroversion and Prolapsus, Ulceration, Leucorrhoea, Profuse and Difficult Menstruation."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the suppositories consisted essentially of cocoa butter, petrolatum, boric acid, sodium sulphate, and a little flour.

Misbranding of the article was alleged in substance in the libel for the reason that the packages or labels bore certain statements, designs, and devices, regarding the curative and therapeutic effect of the said article, which were false and misleading in that the article contained no ingredients or substances which would relieve the female organs or morbid conditions thereof, or cure or relieve sick headache, backache, irritation of the stomach, spinal irritation, pain between the shoulders, distressing sensation in the back of the head and nape of the neck, and numbness and coldness of the extremities, or falling of the womb, anteversion, retroversion, or prolapsus, ulceration, leucorrhoea, profuse and difficult menstruation.

On January 6, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11806. Misbranding of flour. U. S. v. 200 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16720. I. S. No. 7724-v. S. No. W-1186.)

On August 7, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crown Mills, Portland, Oreg., June 15, 1922, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Crown * * * Best Patent Unbleached Flour Crown Mills Portland, Ore. 24½ Lbs. Crown Best Patent."

Misbranding of the article was alleged in the libel for the reason that the statement, "24½ [24½] Lbs." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 31, 1922, the Crown Mills, Portland, Oreg., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11807. Misbranding and alleged adulteration of canned oysters. U. S. v. 22 Cases of Canned Oysters. Decree entered providing for release of product under bond to be relabeled. (F. & D. No. 16721. I. S. No. 7518-v. S. No. W-1187.)

On September 1, 1922, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 cases of canned oysters at Miles City, Mont., alleging that the

article had been shipped by the Hilton Head Packing Co., Savannah, Ga., on or about April 1, 1922, and transported from the State of Georgia into the State of Montana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. Office: Savannah, Ga."

Adulteration of the article was alleged for the reason that water and oyster juice had been mixed and packed with and substituted wholly and in fact [part] for oyster meat, the substance marked and labeled as packed in the said cans.

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the label of the cans containing the said article, indicating the weight thereof, namely, "Contains 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight and measure.

On October 3, 1922, the Miles City Mercantile Co., Miles City, Mont., having appeared as claimant for the property and having admitted the misbranding thereof, judgment of the court was entered ordering that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled to show the correct net weight of the contents of the said cans.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11808. Adulteration and misbranding of canned salmon. U. S. v. 165 Cases, et al., of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 17253. I. S. No. 8759-v. S. No. C-3879.)

On February 7 and 12, 1923, respectively, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 495 cases of salmon at Memphis, Tenn., alleging that the article had been shipped by J. G. Megler & Co., from Brookfield, Wash., on or about September 26, 1922, and transported from the State of Washington into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Columbia River Pink Salmon Woody Island Brand Brookfield Packing Co. Brookfield, Wash."

Adulteration of the article was alleged in the libels for the reason that salmon or fish other than Columbia River pink salmon, to wit, Chinook salmon, had been substituted in whole or in part for pink salmon. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding of the article was alleged for the reason that the statement appearing on the labels, "Columbia River Pink Salmon," was false and misleading and was calculated to deceive and mislead the purchaser thereof, in that the said article was composed in whole or in part of decomposed Chinook salmon.

On June 28, 1923, no claimant having appeared for the property, decrees of the court were entered adjudging that the product be condemned as misbranded and adulterated, and it was ordered by the court that the said product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11809. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17572. I. S. No. 4195-v. S. No. C-4054.)

On or about June 23, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 tubs of butter, remaining in the original tubs at Chicago, Ill., alleging that the article had been shipped by the Alobusha [Yalobusha] Cooperative Creamery, Water Valley, Miss., June 2, 1923, and transported from the State of Mississippi into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat and high in moisture had been substituted in

whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

On August 22, 1923, G. W. Bull Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11810. Adulteration of tomato pulp. U. S. v. 891 Cases of Tomato Pulp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 9573. I. S. No. 6283-r. S. No. C-1031.)

On January 11, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 891 cases of tomato pulp, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Greco Canning Co., San Jose, Calif., October 16, 1918, and transported from the State of California into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "De-Luxe Brand * * * Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose Santa Clara County Cal. * * * Di-Lusso * * * Salsa Di Pomodoro Lavorazione Prodotti Alimentari Greco Canning Co. San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed and putrid vegetable substance.

On February 17, 1923, the claimant for the property having consented to a decree in order that the product might be destroyed, a decree of the court was entered ordering the condemnation and forfeiture of the said product.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11811. Adulteration of coal-tar color. U. S. v. 1 1-Pound Can and 1 5-Pound Can of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14671. I. S. Nos. 1669-t, 1670-t. S. Nos. C-2890, C-2891.)

On March 26, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 1-pound can and 1 5-pound can of coal-tar color, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in two consignments, namely, on or about December 12, 1919, and March 2, 1921, respectively, and transported from the State of Missouri into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "One Pound Net * * * W. B. Wood Mfg. Co. * * * St. Louis Mo. * * * Complies With All Requirements Warranted * * * Unadulterated No Added Salt Sugar Starch * * * Acid Yellow Shade." The remainder of the said article was labeled in part: "5 Lbs. Net * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Complies With All Requirements * * * Quality Color * * * Number 710 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that sodium sulphate and nonpermitted dye, with respect to a portion of the article, and sodium chloride and sodium sulphate, with respect to the remainder thereof, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged with respect to both consignments of the article for the further reason that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On December 8, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11812. Adulteration and misbranding of olive oil. U. S. v. 1 Barrel of Olive Oil. Default decree of condemnation, forfeiture, and sale.
(F. & D. No. 15669. I. S. No. 5252-t. S. No. E-3655.)

On November 30, 1921, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 barrel of olive oil at Nashua, N. H., alleging that the article had been shipped by Moustos & Cotsis, from Boston, Mass., on or about November 15, 1921, and transported from the State of Massachusetts into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Rivalry Extra Pure Olive Oil * * * Marconia 46;" (tag) "Importers Of Greek & Italian Products Pure Olive Oil A Specialty."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for olive oil.

Misbranding of the article was alleged in substance for the reason that the statements in the labeling, to wit, "Rivalry Extra Pure Olive Oil" and "Greek & Italian Products Pure Olive Oil A Specialty," were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the article was an imitation and was offered for sale under the distinctive name of another article, and for the further reason that it purported to be a foreign product when not so.

On October 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11813. Adulteration and misbranding of cocoa. U. S. v. 7 Dozen Packages of Cocoa. Default decree of condemnation, forfeiture, and sale.
(F. & D. No. 15749. I. S. No. 5254-t. S. No. E-3699.)

On December 27, 1921, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 dozen packages of cocoa at Manchester, N. H., alleging that the article had been shipped by Samuel Opler Co., from New York, N. Y., on or about June 3, 1921, and transported from the State of New York into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Amoskeag Brand Cocoa."

Adulteration of the article was alleged in the libel for the reason that excessive cocoa shells had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quantity [quality] and had been substituted wholly or in part for cocoa.

Misbranding was alleged in substance for the reason that the labels on the packages containing the article bore the statement, "Cocoa," which was false and misleading and deceived and misled the purchaser.

On October 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11814. Adulteration of tomato catsup. U. S. v. 411 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 15980. I. S. Nos. 18310-t, 18311-t. S. No. C-3422.)

On February 14, 1922, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 411 cases of tomato catsup, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Thomas Canning Co., Grand Rapids, Mich., on or about November 30, 1921, and transported from the State of Michigan into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thomas' Tomato Catsup * * * Packed By Thomas Canning Co. Grand Rapids, Mich."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 10, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11815. Misbranding of Ferraline. U. S. v. 68 Bottles of Ferraline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16295. S. No. C-3612.)

On May 12, 1922, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 68 bottles of Ferraline, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Ferraline Medicine Co., Demopolis, Ala., on or about September 22, 1921, and transported from the State of Alabama into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of about 3 per cent of iron sulphate and other iron compounds and about 97 per cent of water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, (bottle) "For Indigestion, Rheumatism, Catarrh Of Stomach, Inflammation Of Stomach, Dysentery, Kidney Trouble System Builder," (carton) "For Rheumatism, Indigestion, Dyspepsia, Catarrh of Stomach, Inflammation of Stomach, Dysentery. System Builder * * * Builds up the Rundown System, Restores Vitality, cures 'Spring Fever' and has no equal in the treatment of Kidney Trouble. For weak, Puny Children this Natural Remedy can be relied upon no matter how serious or long standing," (circular) "an excellent system builder * * * For Indigestion, Dyspepsia, Catarrh Of The Stomach * * *. If the first dose fails to relieve * * * repeat until relieved. Rheumatism * * * Bad Blood * * * Dysentery Or Bloody Flux * * * Burns * * * Run Down Condition * * * Kidney Trouble And Backache * * * permanent relief to those suffering with Indigestion Rheumatism Bad Blood Run Down System Burns * * * Etc. * * * 'Ferraline' Will help prevent Influenza. * * * 'I had a bad case of influenza and pneumonia * * *. 'Ferraline' cured me entirely * * * It will make delicate run-down women beautiful, healthy and strong," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11816. Misbranding of DeWitt's eclectic cure. U. S. v. 3 Dozen Bottles and 2 Dozen Bottles of DeWitt's Eclectic Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16394. S. No. E-3952.)

On June 24, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 dozen large bottles and 2 dozen small bottles of DeWitt's eclectic cure at Arabi, Ga., alleging that the article had been shipped by the W. J. Parker Co., from Baltimore, Md., June 1, 1922, and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) (both sizes) "Dr. DeWitts Eclectic Cure * * * For Cramps, Colic and Diarrhoea * * * Indigestion * * * Horse Colic;" (carton) (both sizes) "Cure * * * for Indigestion, Diarrhoea, Cramps, * * * Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * Cholera * * * Cholera Morbus * * * Rheumatism and Pains generally * * * Sprains or Frosted Feet;" (circular) (in retail package, large size, and in shipping package, small size) "Cure * * * for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * spasmodic attacks * * * Swelling of the Stomach * * * Sprains * * * Horse Colic * * * Chicken Cholera."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, 67 per cent of alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements borne in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 18, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11817. Adulteration of shell eggs. U. S. v. Jessiemae Cherry and Tobe Deahl (Cherry & Deahl). Pleas of guilty. Fine, \$10. (F. & D. No. 16405. I. S. No. 1047-t.)

On September 20, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jessiemae Cherry and Tobe Deahl, copartners, trading as Cherry & Deahl, Dodsonville, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 10, 1921, from the State of Texas into the State of Oklahoma, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Cherry & Deahl Dodsonville, Texas."

Examination by the Bureau of Chemistry of this department of 180 eggs from the consignment showed that 51, or 28.33 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed animal substance.

On June 15, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11818. Misbranding of butter. U. S. v. Tennessee Creameries, a Corporation. Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 17125. I. S. Nos. 3037-v, 3080-v, 3101-v, 10278-v, 8194-t, 8195-t.)

On May 22, 1923, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tennessee Creameries, a corporation, Nashville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about September 16, 1922, from the State of Tennessee into the State of Florida, and on or about May 16, August 31, September 5, and September 12, 1922, respectively, from the State of Tennessee into the State of Georgia, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Pure Gold Brand Creamery Butter * * * One Pound Net." The remainder of the said article was labeled in part: "T C Pasteurized Creamery Butter One Pound Net Weight * * * Made By Tennessee Creameries Nashville, Tenn."

Examination by the Bureau of Chemistry of this department of 80, 150, 90, 100, 150, and 90 packages of the article from the various consignments showed an average net weight of 15.28, 15.34, 15.48, 15.59, 15.63, and 15.67 ounces, respectively.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "One Pound Net," and "One Pound Net Weight," as the case might be, borne on the packages containing the article, regarding the said article, were false and misleading in that the said statements represented that each of the said packages contained 1 pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of the said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 7, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11819. Adulteration of shell eggs. U. S. v. 360 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17749. I. S. No. 4150-v. S. No. C-4079.)

On July 27, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 360 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Federal Cold Storage Co., from St. Louis, Mo., July 24, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 4, 1923, Alex Getz, Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11820. Misbranding of cottonseed meal and cottonseed feed. U. S. v. F. Spence Perry and Charles E. Ragan (Planters Oil Co.). Plea of guilty by Charles E. Ragan. Fine, \$25. Verdict of not guilty as to F. Spence Perry. (F. & D. No. 15261. I. S. Nos. 9158-t, 9164-t.)

On December 10, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. Spence Perry and Charles E. Ragan, copartners, trading as the Planters Oil Co., Boston, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, in two consignments, namely, on or about November 22 and 29, 1920, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal and cottonseed feed, respectively, which were misbranded. The articles were labeled in part, respectively: "Second Class Cotton Seed Meal Manufactured By Planters Oil Company Boston, Georgia Guaranteed Analysis: Ammonia, Actual and Potential 7%"; "'Economy' Cotton Seed Feed * * * Guaranteed Analysis Protein, not less than 36% Ammonia, not less than 7% * * * Fibre, not more than 14%."

Analysis by the Bureau of Chemistry of this department of a sample of the cottonseed meal showed that it contained 6.47 per cent of ammonia. Analysis by said bureau of a sample of the cottonseed feed showed that it contained 35.12 per cent of protein, 6.83 per cent of ammonia, and 15.16 per cent of crude fiber.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis: Ammonia, Actual and Potential 7%" and "Guaranteed Analysis Protein, not less than 36% Ammonia, not less than 7% * * * Fibre not more than 14%," borne on the tags attached to the sacks containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles contained not less than 7 per cent of ammonia and that the cottonseed feed contained not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 7 per cent of ammonia and that the cottonseed feed contained not less than 36 per cent of protein and not more than 14 per cent of fiber, whereas, in truth and in fact, the said articles did contain less than 7 per cent of ammonia and the said cottonseed feed did contain less than 36 per cent of protein and more than 14 per cent of fiber.

On June 14, 1923, Charles E. Ragan entered a plea of guilty to the information, and the court imposed a fine of \$25. On the same date on a plea of not guilty by F. Spence Perry, a verdict of not guilty was rendered as to the said defendant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11821. Adulteration and misbranding of molasses. U. S. v. 281 Cases of Molasses. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16395. I. S. No. 845-t. S. No. C-3653.)

On June 23, 1922, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 281 cases of molasses, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by Abe Azen, from Newcastle, Ind., May 6, 1922, and transported from the State of Indiana into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

It was alleged in substance in the libel that a portion of the article was misbranded in that the cans containing the said portion bore statements representing the contents of the said cans to be 1 pound 9 ounces or 2 pounds 5 ounces, each, as the case might be, which statements were false and misleading and were calculated to deceive and mislead the purchaser, in that the said cans contained less than the amounts declared thereon. Misbranding was alleged with respect to the said portion of the article for the further reason that it was food in package form, and the quantity and [of] the contents of the said cans was not plainly and conspicuously marked on the outside of each package.

On August 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11822. Adulteration and misbranding of vinegar. U. S. v. 30 Barrels of Vinegar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16586. I. S. No. 5579-t. S. No. E-4025.)

On July 5, 1922, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 barrels of vinegar at Woodsville, N. H., alleging that the article had been shipped by P. Garlock Co., from Newark, N. Y., on or about October 27, 1921, and transported from the State of New York into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar * * * Mfg. By P. Garlock Co. Newark, N. Y."

Adulteration of the article was alleged in the libel for the reason that evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for apple cider vinegar.

Misbranding of the article was alleged for the reason that the statement appearing in the labeling, "Pure Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11823. Adulteration of canned cherries. U. S. v. 200 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16837. I. S. No. 86-v. S. No. E-4193.)

On September 29, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases, each containing 6 cans of cherries, remaining unsold in the original unbroken packages at New York, N. Y.,

alleging that the article had been shipped by the Haserot Co., from Traverse City, Mich., on or about August 14, 1922, and transported from the State of Michigan into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Delight of Life Brand Red Sour Pitted Cherries Packed By The Francis H. Haserot Co. * * * Grand Traverse Bay, Michigan * * * Distributed By The Haserot Company, Cleveland, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On July 25, 1923, the Haserot Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reshipped to the factory of the claimant and sorted under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11824. Misbranding of strawberries. U. S. v. Joseph R. Kenner. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 16844. I. S. No. 980-t.)

On December 23, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph R. Kenner, Bells, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 12, 1922, from the State of Tennessee into the State of Indiana, of a quantity of strawberries in crates which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11825. Adulteration of fava beans. U. S. v. 100 Sacks of Fava Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16901. I. S. No. 6057-v. S. No. C-3828.)

On November 3, 1922, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of fava beans, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hibernia Bank & Trust Co., from San Luis Obispo, Calif., on or about October 9, 1922, and transported from the State of California into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On February 10, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11826. Adulteration of butter. U. S. v. 78 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17640. I. S. No. 450-v. S. No. E-4439.)

On July 11, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 78 tubs of butter, consigned by the New Haven Creamery Co., Osage, Iowa, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Stacyville, Iowa, on or about June 19, 1923, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

On August 7, 1923, the Minnesota Cooperative Creameries Assoc., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,872, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory and reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11827. Adulteration of butter. U. S. v. 37 Tubs and 64 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 17642. I. S. No. 374-v. S. No. E-4441.)

On July 13, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 101 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., consigned by the Minnesota Cooperative Creameries Assoc., Inc., No. 7, Brooten, Minn., alleging that the article had been shipped on or about June 18, 1923, and transported in interstate commerce into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

On August 7, 1923, the Minnesota Cooperative Creameries Assoc., Inc., claimant, having admitted the allegations of the libel and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,960, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory to be reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11828. Adulteration of butter. U. S. v. 64 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 17653. I. S. No. 505-v. S. No. E-4450.)

On July 16, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 64 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the American Creamery Assoc., from Copas, Minn., on or about June 26, 1923, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed and packed with and substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

On August 7, 1923, the Minnesota Cooperative Creameries Assoc., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,536, in conformity with section 10 of the act, conditioned in part that it be delivered to the factory to be reworked and reprocessed to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11829. Adulteration of shell eggs. U. S. v. 400 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be recandled. (F. & D. No. 17676. I. S. No. 644-v. S. No. E-4455.)

On July 17, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of shell eggs, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Hougland & Miller, Chrisney, Ind., alleging that the article had been shipped from Chrisney, Ind., on or about July 1, 1923, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of decomposed eggs.

On August 17, 1923, Hougland & Miller, claimants, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,800, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed or denatured and the good portion released to the said claimants.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11830. Adulteration and misbranding of chloroform. U. S. v. 50 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16621. S. No. C-3699.)

On July 12, 1922, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cans of chloroform, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped from New York, N. Y., May 24, 1922, and transported from the State of New York into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorinated decomposition products.

Adulteration of the article was alleged in substance in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and did not meet the required standard of strength, quality, and purity as required by law.

It was alleged in substance in the libel that the article was misbranded in that it was decomposed and did not have the standard of strength, quality, and purity as indicated by the labels.

On December 18, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11831. Misbranding of butter. U. S. v. Leonard Parkes Brittain and William Claire Brittain (Harpeth Valley Creamery). Pleas of guilty. Fine, \$75 and costs. (F. & D. No. 17069. I. S. Nos. 3067-v, 3068-v, 8192-t, 8193-t.)

On May 22, 1923, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Leonard Parkes Brittain and William Claire Brittain, copartners, trading as the Harpeth Valley Creamery, Franklin, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in part on or about May 16 and in part on or about August 8, 1922, from the State of Tennessee into the State of Georgia, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Always ask for Best Brand Creamery Butter * * * One Pound Net." The remainder of the said article was labeled in part: "Blue Ribbon Butter * * * One Pound Net."

Examination by the Bureau of Chemistry of this department of 90, 240, 110, and 360 packages of the article from the various consignments showed an average net weight of 15.56, 15.56, 15.61, and 15.39 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, regarding the said article, was false and misleading in that the said statement represented that the said packages each contained 1 pound net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 7, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11832. Misbranding of butter. U. S. v. Nashville Pure Milk Co., a Corporation. Plea of guilty to first count. Fine, \$25 and costs. Judgment reserved on second count. (F. & D. No. 17407. I. S. No. 9535-t.)

On May 22, 1923, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nashville Pure Milk Co., a corporation, Nashville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 23, 1922, from the State of Tennessee into the State of Georgia, of a quantity of butter which was misbranded. The article was labeled in part: "Tru-li-Pure Butter Pasteurized * * * Made Only By Nashville Pure Milk Co. * * * Nashville, Tennessee * * * One Pound Net When Packed."

Examination by the Bureau of Chemistry of this department of 100 cartons of the article showed an average net weight of 15.52 ounces.

Misbranding of the article was alleged in the first count of the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of the said packages contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the said article but did contain a less amount. Misbranding was alleged in the second count of the information for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 7, 1923, a plea of guilty to the first count of the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs. Judgment was reserved on the second count involving the charge of failure to declare the quantity of the contents of the packages.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11833. Misbranding of olive oil. U. S. v. 37 Cans and 13 Cans of Olive Oil. Decree ordering product released under bond to be relabeled. (F. & D. No. 17445. I. S. Nos. 1828-v, 1829-v. S. No. E-4349.)

On April 2, 1923, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 alleged quart cans and 13 alleged half-gallon cans of olive oil at Manchester, N. H., alleging that the article had been shipped by the Aeolian Importing Co., from Boston, Mass., on or about February 2, 1923, and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Net Contents One Quart" (or "Net Contents Half Gallon") "Aeolian Brand * * * Imported Pure Olive Oil Superfine Quality."

Misbranding of the article was alleged in the libel for the reason that the statements appearing on the labels of the said cans, to wit, "Net Contents One Quart" and "Net Contents Half Gallon," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the

quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 24, 1923, the Aeolian Importing Corp. having appeared as claimant for the property and having filed a bond in the sum of \$75, it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings, conditioned that it be properly branded to show its weight.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11834. Adulteration and misbranding of evaporated apples. U. S. v. 12 Cases and 11 Cases of Evaporated Apples. Decree ordering product released under bond to be relabeled. (F. & D. No. 17460. I. S. Nos. 1844-v, 1845-v. S. No. E-4360.)

On April 21, 1923, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 cases of evaporated apples at Concord, N. H., alleging that the article had been shipped by E. B. Holton, from Webster, N. Y., in two consignments, namely, on or about February 10 and 24, 1923, respectively, and transported from the State of New York into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Weight 15 Ounces Holton Brand Fancy Evaporated Apples * * * Packed By E. B. Holton, Manufacturer And Packer Of Evaporated Fruits, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, incompletely evaporated apples, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for evaporated apples, which the article purported to be.

Misbranding was alleged in substance for the reason that the statements, "Net Weight 15 Ounces * * * Fancy Evaporated Apples * * * Manufacturer And Packer Of Evaporated Fruits * * * Manufacturer Of Pure Food Products Evaporated By The Sulphur Process," borne on the labels of the packages containing the article, were false and misleading and deceived and misled purchasers in that they represented that the said packages contained 15 ounces of the said article and that it consisted of fancy, completely evaporated apples, whereas, in truth and fact, the said packages did not contain 15 ounces of the article but did contain a less amount, and the said article was not fancy, completely evaporated apples but was a product consisting of incompletely evaporated apples. Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, since the quantity stated was not correct.

On May 9, 1923, E. B. Holton, Webster, N. Y., claimant, having admitted the allegations of the libel and filed a bond in the sum of \$500, in conformity with section 10 of the act, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings, upon condition that if it should be again offered for sale it be labeled in compliance with law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11835. Adulteration and misbranding of butter. U. S. v. 225 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17599. I. S. No. 444-v. S. No. E-4428.)

On July 5, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 225 tubs of butter at Jersey City, N. J., alleging that the article had been shipped by the Newton County Creamery, Newton, Miss., on or about June 6, 1923, and transported from the State of Mississippi into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat and containing excessive moisture, had been mixed and packed therewith so as to reduce and lower

and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 8, 1923, Frederick F. Lowenfels, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory and reworked and reprocessed to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11836. Adulteration of butter. U. S. v. 400 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17643. I. S. No. 373-v. S. No. E-4442.)

On July 12, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the River Falls Cooperative Creamery Co., River Falls, Wis., on or about June 20, 1923, and transported from the State of Wisconsin into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

On August 15, 1923, the River Falls Cooperative Creamery Co., Inc., River Falls, Wis., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$10,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision and to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11837. Adulteration of water. U. S. v. 19 Cases of Healing Springs Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17681. I. S. No. 1378-v. S. No. E-4460.)

On August 9, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 cases of the Healing Springs water, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Virginia Hot Springs Co., from Hot Springs, Va., on or about July 9, 1923, and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Healing Springs Water Virginia Hot Springs Company, Healing Springs, Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On September 10, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11838. Adulteration of canned sardines. U. S. v. 598 Cases, et al., of Sardines. Consent decree ordering release of product under bond to be culled and repacked. (F. & D. No. 17730. I. S. Nos. 2246-v, 2247-v, 2249-v. S. No. E-4471.)

On August 17, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 846 cases of sardines at Pittsburgh, Pa., alleging that the article had been shipped by the Columbian Canning Co., from St. Andrews, New Brunswick, Canada, on or about July 31, 1923, and transported from a foreign country into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously, in part: "Vender Brand American Sardines In Cottonseed Oil Packed By Columbian Canning Co. Lubec * * * Me.;" "Champion Brand American Sardines * * * Columbian Canning Co. * * * Lubec, Maine;" "Columbian * * * Packed At Lubec Washington Co. Me. By Columbian Canning Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On August 18, 1923, the Columbian Canning Co., Lubec, Me., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be culled and repacked.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11839. Adulteration of shell eggs. U. S. v. 16 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17754. I. S. No. 7026-v. S. No. C-4085.)

On August 2, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Beliman Produce Co., from Yankton, S. Dak., July 25, 1923, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On September 8, 1923, A. F. Thibodeau Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11840. Misbranding of Vitalitas. U. S. v. 106 Cases of Vitalitas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5890. S. No. C-69a.)

On August 28, 1914, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 106 cases of Vitalitas, consigned from Houston, Tex., remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Vital Remedies Co., on or about August 4, 1914, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 97½ per cent of water, approximately 2½ per cent of iron sulphate and aluminum sulphate, and traces of other mineral salts.

Misbranding of the article was alleged in the libel for the reason that the product was contained in bottles, which bottles were encased in paper cartons, each of which cartons contained a booklet, which said booklet contained the following statements regarding the said article, "We believe that this mysterious, science-defying Force in Vitalitas can be nothing else than Radio-Activity," which statements were false and misleading in that the said product possessed no radioactivity. Misbranding was alleged for the further reason that the said bottles, cartons, and booklets bore statements regarding the curative and therapeutic effect of the said article, as follows, (bottle) "A Family remedy for Rheumatism, Indigestion, Dyspepsia, Malaria, Biliousness, Eczema, Tetter * * * Catarrh, Leucorrhœa, Running Sores, Nose Bleeding * * * Gall Stones, Weak Kidneys, Bladder Troubles, Bowel Troubles * * * Bleeding Piles, Sore Throat * * * Dysentery and General Debility," (carton) "For Rheumatism, Indigestion, Malaria, Catarrh, Eczema, Etc., etc. * * * Its Unfailing Healing and Curative Properties were known and used by the Indian tribes long before the coming of the first white settlers. Taken into the human body, it arouses and stimulates a flow of Vital Energy which overcomes weakness, debility and sickness by eliminating Toxic Poisons, excessive Uric Acid and other impurities from Your System, thereby Re-Animating and Re-Generating your body, eventually producing the thrill of Vibrant Vitality, Dynamic Energy and sparkling Health. You Cannot Remain Sick If You Use Vitalitas. * * * Vitalitas To Make Red, Rich Blood, Energy And Health," (booklet) "Vitalitas is the pure liquid extract of a natural deposit of a highly energized earth-substance, which either generates or stimulates the proper flow of vital force in the human body. * * * We know its marvelous Curative and Healing Virtues * * * we wanted to see what diseases it actually would heal; and we put it to that test; and it healed Rheumatism, Indigestion, Malaria, Tonsilitis, Eczema, Catarrh, Tetter, Running Sores, Torpid Liver, Stomach and Bowel Troubles, Leucorrhœa, Bleeding Piles, etc. * * * By its use man is enabled to prolong and enjoy life * * * the purpose of Vitalitas is to Heal and Cure. The active principle and direct effect of Vitalitas on your system is positively constructive, it being a natural builder, re-generator and re-animator—a creator of new life, giving energy, or vital force. * * * It is the function of Vitalitas to create or to stimulate this Vital Force and thus to bring the human body back to healthy conditions. It is just as natural for Vitalitas to heal and eliminate weakness and sickness from the human system as it is for coal to burn, or water to moisten, or oil to lubricate, or food to strengthen. * * * Vitalitas is taken into the human body, the energy stored in its atoms is given off as vital force, which produces energy, vitality and health. * * * Vitalitas establishes a normal balance and restores harmony between the organs of your body, causing them to secrete and function properly, developing the proper flow of health-giving juices, assisting in throwing off and eliminating toxic poisons, and removing diseased conditions by removing the cause. 'I have just completed taking six bottles of Vitalitas and I consider myself entirely cured of symptoms of tuberculosis.' 'My trouble had been diagnosed most everything, including consumption. I was partially paralyzed; had a stomach that for years had been no good, and was run down and weakened all over. Could hardly raise a hand to my head. I heard of Vitalitas and thought it worth the trial. You could not pile money enough before me to buy the good that it has done me. I am now a different man. My stomach is as good as any man's. I have gained in weight and my color is good, and I have better use of myself than I have had in years. Vitalitas is a blessing to humanity.' 'For twenty-five years I was troubled with sciatica and muscular rheumatism, and now I am free of it. One bottle of Vitalitas has apparently cured me. I feel so much better in every way. My wife is now taking it for her general health. No money could buy the good Vitalitas has done me.' Dropsy, Hardness of Liver, Kidney and Bowel Troubles 'July 10, 1912, the doctors tapped me the first time; they kept tapping me then at intervals until May 30, last. In all I was tapped seven times, and each time three gallons of fluid was removed. My waist measure was 22, but I would swell up to 39. I was dying with dropsy. Physicians had marked off on my bare skin the part of my liver they said was hard. For nine months I suffered agonies. I could hardly stand it when I would swell up to 39. I had scarcely any kidney movement or bowel action. My appearance was frightful. After the last tapping they did not think I could live until time for another. On the day following the last tapping I sent for some Vitalitas. In three

days my kidneys began to work, and a day later I had a good bowel action. I then went in for Vitalitas for all it was worth. After ten days I was able to go to my place of business. People everywhere would stop me and say, "Why, you have come back to life." My dropsy has entirely disappeared. I am now a well man. I have color in my cheeks. Vitalitas is wonderful.' The effects of Vitalitas on weak kidneys is immediate and beneficial. * * * Vitalitas will be found speedily effective for Lucorrhoea and other female complaints," which statements were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On February 10, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11841. Misbranding of olive oil. U. S. v. 67 Quarter-Gallon Cans and 22 Half-Gallon Cans of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15540. I. S. Nos. 11165-t, 11166-t. S. No. W-1023.)

On November 15, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 67 quarter-gallon cans and 22 half-gallon cans of olive oil, remaining unsold in the original unbroken packages at Pueblo, Colo., consigned by Deligiannis Bros., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about July 27 and 28, 1921, respectively, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Prodotti Italiani Olio di Oliva Pure Olive Oil Sopraffino * * * Italia Brand * * * Lucca Toscana * * * Net Conts. $\frac{1}{4}$ Gall." (or "Net Contents $\frac{1}{4}$ Gall.").

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Conts. $\frac{1}{4}$ Gall.," appearing on each of the said quarter-gallon cans, and the statement, to wit, "Net Contents $\frac{1}{2}$ Gall.," appearing on each of the said half-gallons cans, were false and misleading and deceived and misled the purchaser in that the net contents of the said cans was less than one-quarter gallon and one-half gallon, respectively. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 26, 1923, James Liapes, Pueblo, Colo., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11842. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases, et al., of Oysters. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16662, 16728. I. S. Nos. 6602-v, 6607-v. S. Nos. C-3725, C-3762.)

On July 25 and August 10, 1922, respectively, the United States attorney for the Eastern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 157 cases of canned oysters, consigned by the Hilton Head Packing Co., Savannah, Ga., remaining unsold in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped from Savannah, Ga., in part on or about February 23 and in part April 8, 1922, and transported from the State of Georgia into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Shipping case) "Hilton Head Brand Oysters Packed By Hilton Head Packing Company, Savannah, Georgia;" (can) "Fox Brand * * * Contents 5 Oz. Avd. * * * Cove Oysters," (imprinted on end of can) "5 Ounces Oysters." The remainder of the article was labeled in part: (Can) "Stag Brand * * * Cove Oysters Net Weight 5 Oz."

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements, "5 Oz." or "Contains 5 Oz. Oyster Meat [Contents 5 Oz. * * * Oysters]," as the case might be, appearing on the respective labels of the article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 20, 1923, the Hilton Head Packing Co., Savannah, Ga., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the statement, "5 Oz.," be obliterated and that the product be relabeled under the supervision of this department as follows: "Slack Filled A package of this size should contain 5 Ounces Oyster Meat. Actual cut-out weight in this can 3.5 ounces."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11843. Adulteration and misbranding of butter. U. S. v. Morris Honikman (Honikman's Creamery). Plea of guilty. Fine, \$25. (F. & D. No. 16928. I. S. No. 8150-t.)

On April 5, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Morris Honikman, trading as Honikman's Creamery, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 6, 1922, from the State of Pennsylvania into the State of New Jersey, of a quantity of butter which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained excessive water and was deficient in fat.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality, for the further reason that a substance, to wit, added water, had been substituted in whole or in part for butter, which the article purported to be, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding of the article was alleged for the reason that it was a mixture which contained an excessive amount of water, prepared in imitation of butter, and was offered for sale and sold under the distinctive name of another article, to wit, butter.

On September 18, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11844. Misbranding of butter. U. S. v. Maury County Cooperative Creamery Assoc., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16953. I. S. Nos. 3019-v, 3024-v, 8197-t.)

On May 22, 1923, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Maury County Cooperative Creamery Assoc., a corporation, Columbia, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about May 23, August 22, and August 29, 1922, respectively, from the State of Tennessee into the State of Georgia, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Maury County Maid Fancy Creamery Butter Maury County Co-op. Cry. Assn. Columbia, Tennessee One Pound * * * Net Weight." The remainder of the said article was unlabeled.

Examination by the Bureau of Chemistry of this department of 150, 100, and 105 packages of the article from the various consignments showed an average net weight of 15.40, 15.61, and 15.37 ounces, respectively.

Misbranding was alleged in the information with respect to a portion of the article for the reason that the statement, to wit, "One Pound * * * Net Weight," borne on the packages containing the article, regarding the said

article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of the said article, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of the article but did contain a less amount. Misbranding was alleged with respect to the product involved in all of the said consignments for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 7, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11845. Adulteration and misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17053. I. S. No. 7620-v. S. No. W-1260.)

On December 23, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of cottonseed meal, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Greenville Cotton Oil Mill, Greenville, Tex., alleging that the article had been shipped from Greenville, Tex., on or about September 12, 1922, and transported from the State of Texas into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds (Net) 43% Protein Cottonseed Meal Prime Quality Manufactured by Greenville Cotton Oil Mill, Greenville, Texas."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and high in crude fiber had been mixed and packed with and substituted wholly or in part for 43 per cent protein cottonseed meal, prime quality, which the said article purported to be.

Misbranding was alleged in substance for the reason that the statement, "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent," appearing in the labeling of the article, was false and misleading and deceived and misled the purchaser, since the said cottonseed meal contained less than 43 per cent of protein and more than 12 per cent of crude fiber.

On March 21, 1923, C. R. Garner & Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11846. Adulteration and misbranding of baking powder and lemon compound. U. S. v. Philip Schaefer (Phil. Schaefer & Sons). Plea of guilty. Fine, \$200. (F. & D. No. 17414. I. S. Nos. 2577-v. 7626-t.)

On or about July 11, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Philip Schaefer, trading as Phil. Schaefer & Sons, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania into the State of New Jersey, on or about May 27, 1922, of a quantity of lemon compound, and on or about October 16, 1922, of a quantity of baking powder, both of which were adulterated and misbranded. The articles were labeled in part, respectively: "Lemon Compound Made from Oil of Lemon pressed from the Lemon Peel. Phil. Schaefer Manufacturer and Jobber * * * Bakers' Specialties Philadelphia, Pa.;" "Schaefer's Made From Pure Cream Tartar Sure Absolutely Pure * * * Magic Pastry * * * Baking Powder."

Analysis of a sample of the baking powder by the Bureau of Chemistry of this department showed that it consisted of a mixture of acid phosphate, sodium aluminum sulphate, bicarbonate of soda, starch, cream of tartar, and magnesium carbonate. Analysis of a sample of the lemon compound by said bureau showed that it was cottonseed oil containing about 16 per cent of lemon oil.

Adulteration of the baking powder was alleged in the information for the reason that a product made in large part from acid phosphate and sodium aluminum sulphate, which contained bicarbonate of soda, cornstarch, and magnesium carbonate, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for a product made from pure cream tartar, which the article purported to be.

Misbranding of the baking powder was alleged for the reason that the statements, to wit, "Made From Pure Cream Tartar," "This baking powder is manufactured from pure Cream Tartar," and "The manufacturer begs to inform the trade herewith that the Baking Powder contained herein is manufactured under his own supervision and guarantees to be absolutely pure and wholesome," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was made wholly from pure cream tartar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product made wholly from cream tartar, whereas, in truth and in fact, it was not a product made wholly from cream tartar but was a product made in large part from acid phosphate and sodium aluminum sulphate and contained bicarbonate of soda, cornstarch, magnesium carbonate, and a small amount of cream tartar. Misbranding of the said baking powder was alleged for the further reason that it was a product composed in large part of acid phosphate and sodium aluminum sulphate and contained bicarbonate of soda, cornstarch, and magnesium carbonate, and a small amount of cream tartar, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, a product made from pure cream tartar.

Adulteration of the lemon compound was alleged for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for lemon compound made from oil of lemon, which the article purported to be.

Misbranding of the lemon compound was alleged for the reason that the statement, to wit, "Lemon Compound Made from Oil of Lemon pressed from the Lemon Peel," borne on the labels attached to the jugs containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was a product made wholly from oil of lemon pressed from the lemon peel, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product made wholly from oil of lemon pressed from the lemon peel, whereas, in truth and in fact, it was not a product made wholly from oil of lemon pressed from the lemon peel but was a product made in large part from cottonseed oil and contained a small amount of oil of lemon. Misbranding was alleged for the further reason that the article was a product made in large part from cottonseed oil and contained a small amount of lemon oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, lemon compound made from oil of lemon pressed from the lemon peel. Misbranding was alleged with respect to the so-called lemon compound for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about September 27, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11847. Misbranding and alleged adulteration of canned corn. U. S. v. 196 Cases, et al., of Canned Corn. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17506, 17507, 17508, 17534. I. S. Nos. 1044-v, 1049-v, 1050-v, 1051-v. S. Nos. E-4389, E-4390, E-4391, E-4396.)

On May 15, 1923, the United States attorney for the Northern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,162 cases of canned corn, remaining unsold in the original unbroken packages in various lots at Grafton, Clarksburg, Piedmont, and Parkersburg, W. Va., respectively, alleging that the article had been shipped by C. W. Baker & Sons, Middletown, Del., in various consignments, namely, on or about October 13, November 11, November 21, and December 2,

1922, respectively, and transported from the State of Delaware into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Morning Star Sugar Corn * * * Distributed By G. H. Baker, Middletown, Del."

Adulteration of the article was alleged in the libels for the reason that scrapings from corncohs had been mixed and packed with and substituted wholly or in part for corn.

Misbranding of the article was alleged in substance in the libels for the reason that each of the said cans had a design thereon showing whole ears of corn, which said design was false and misleading and was intended to deceive and did deceive and mislead the purchaser. It was further alleged that the cans containing a portion of the article were misbranded as containing "Sugar Corn" and that said brand was false, misleading, and deceptive in that it was a brand distinct and separate from the true character and nature of the said article.

On or about September 1, 1923, G. H. Baker, Middletown, Del., having applied for possession of the property for the purpose of relabeling it and having paid the costs of the proceedings and executed a good and sufficient bond, in conformity with section 10 of the act, and it having appeared to the court that the product was misbranded, it was ordered by the court that the said product be condemned and released to the claimant thereof.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11848. Adulteration and misbranding of canned clams. U. S. v. 202 Cases and 94 Cases of Canned Clams. Consent decrees of condemnation and forfeiture. Product released under bond, to be relabeled. (F. & D. Nos. 17550, 17552. I. S. Nos. 434-v, 438-v. S. Nos. E-4398, E-4405.)

On June 4, 1923, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 296 cases of canned clams, remaining unsold in the original unbroken packages at New York, N. Y., consigned by J. H. Dorse & Sons, Key West, Fla., alleging that the article had been shipped from Key West, Fla., on or about April 24, 1923, and transported from the State of Florida into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Neptune Large — Tender — Juicy * * * Steamed Quahaug Clams Contents 10 Oz. Clam Meat, 10 Oz. Clam Juice Packed By J. H. Dorse & Sons Sales Office 299 Broadway, New York." The remainder of the said article was labeled in part: "Minced Clams Little Neck * * * J. H. Dorse & Sons * * * Contents 10 Ounces Of Clam Meat, 10 Ounces Of Clam Juice."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive brine, had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the statements, "Minced Clams * * * For Clam Fritters, Chowder, Soups, Etc. * * * Contents 10 Ounces Of Clam Meat, 10 Ounces Of Clam Juice," together with directions for the preparation of various clam dishes and a design showing whole clams, appearing in the labeling of a portion of the article, and the statements, "Clams Contents 10 Oz. Clam Meat, 10 Oz. Clam Juice * * * For Making Clams On Toast Clam Stew Clam Patties Broiled Clams Clam Pie Clam Chowder Clam Fry," together with a design showing clams, appearing in the labeling of the remainder of the said article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 7, 1923, Fred Fear, of New York, N. Y., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Slack Filled. Contains 8 Ozs. drained minced clam meat. A can of this size should contain 10 ozs. drained minced clam meat" or "Slack Filled. Contains 8 ozs. drained clam meat. A can of this size should contain

10 ozs. drained clam meat," as the case might be, such labeling to be attached so as to be clear and easily observed and to obliterate the objectionable statements.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11849. Adulteration of sardines. U. S. v. 100 Cases of Champion Brand American Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17710. I. S. No. 2801-v. S. No. E-4464.)

On August 16, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of Champion brand American sardines, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Flint & Co., Boston, Mass., alleging that the article had been shipped from Boston, Mass., on or about July 7, 1923, and transported from the State of Massachusetts into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Champion Brand American Sardines * * * Columbian Canning Co. Washington Co. Lubec, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11850. Misbranding of 999 nerve tonic. U. S. v. 33 Packages of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15412. S. No. C-3260.)

On October 5, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 packages of 999 nerve tonic at Detroit, Mich., alleging that the article had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., August 26, 1921, and transported from the State of Pennsylvania into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Nerve Tonic * * * The best possible remedy for nervous disorder and lost vitality, no matter from what cause."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of capsules containing phosphorus and extracts of nux vomica and damiana.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On August 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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| Cocoa. <i>See</i> Cacao products. | |
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| Corn, canned: | |
| Baker, C. W., & Sons | 11847 |
| Cottonseed feed. <i>See</i> Feed. | |
| meal. <i>See</i> Feed. | |
| DeWitt's eclectic cure: | |
| Parker, W. J., Co. | 11816 |
| Eclectic cure: | |
| Parker, W. J., Co. | 11816 |
| Eggs: | |
| Bellman Produce Co. | 11839 |
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| Emerson Bros. | 11802 |
| Federal Cold Storage Co. | 11819 |
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| Feed, cottonseed: | |
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| Greenville Cotton Oil Mill | 11845 |
| Planters Oil Co. | 11820 |
| Ferralline: | |
| Ferralline Medicine Co. | 11815 |

| | N. J. No. |
|--------------------------------|--------------|
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| Ramsdell Packing Co. | 11803 |
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| Virginia Hot Springs Co. | 11837 |
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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11851-11900.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 6, 1924.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11851. Adulteration and misbranding of tomato catsup and strawberry preserve and misbranding of fruit jams. U. S. v. S. J. Van Lill Co., a Corporation. Plea of guilty. Fine, \$450 and costs. (F. & D. No. 17134. I. S. Nos. 226-v, 1313-v, 1314-v, 1318-v, 1330-v, 1331-v, 1332-v, 1333-v, 1401-v, 1502-v, 3105-v.)

On July 6, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. J. Van Lill Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 17, 19, and 27, 1922, respectively, from the State of Maryland into the States of Rhode Island, New York, and Virginia, respectively, of quantities of tomato catsup which was adulterated, on or about July 22 and 27, 1922, respectively, from the State of Maryland into the State of Virginia, and on or about July 27, 1922, from the State of Maryland into the State of Florida, of quantities of tomato catsup which was misbranded, on or about August 1, 1922, from the State of Maryland into the State of Virginia, of various quantities of fruit jams which were misbranded, and on or about August 1, 1922, from the State of Maryland into the State of Virginia, of a quantity of strawberry preserve which was adulterated and misbranded. The catsup was labeled in part, variously: (Can) "Somerset Club Brand Catsup Contents 6 Lbs. 6 Ozs.;" "Astoria Brand Tomato Catsup * * * Contents 6 Lbs. 6 Ozs. S. J. Van Lill Co. Packers Baltimore, Md.;" (bottle) "Astoria Brand Contents 9 Ozs. Avdp. Pure Tomato Catsup S. J. Van Lill Co. Baltimore, Md." The fruit jams were labeled in part: (Jar) "Table Delicacies Pure Fruit Jam" (design of various fruits) "Blackberry-Apple" (or "Pineapple-Apple," "Peach-Apple," or "Damson-Apple") "Contents 12 Ozs. Prepared By S. J. Van Lill Co. Baltimore, Md." The strawberry preserve was labeled in part: (Jar) "Calvert Brand Weight, 2 Lbs. 11 Ozs. Net Preserve Strawberry."

Examination by the Bureau of Chemistry of this department of samples from the Somerset Club brand catsup and that portion of the Astoria brand catsup contained in cans showed a high mold count, indicating that an excessive quantity of decomposed or moldy tomatoes had been used in its preparation. Examination by said bureau of the portion of the Astoria brand catsup contained in bottles showed that the said bottles contained from 3 to 4 per cent less than the declared contents. Examination of the jams by said bureau showed that the said jars contained from 5.7 to 9.9 per cent less than the declared contents. Examination of the alleged strawberry preserve by

said bureau showed that it was an imitation strawberry preserve, consisting essentially of glucose, with some sugar, apple products, and strawberry fruit, artificially colored with red coal-tar dye.

Adulteration of the Somerset Club brand catsup and that portion of the Astoria brand catsup contained in cans was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid vegetable substance.

Adulteration of the alleged strawberry preserve was alleged for the reason that an imitation product, artificially colored, had been substituted in whole or in part for, to wit, strawberry preserves, which the said article purported to be.

Misbranding of the alleged strawberry preserve was alleged for the reason that the statement, to wit, "Preserve Strawberry," borne on the labels attached to the jars containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article was composed wholly of preserve strawberry, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of preserve strawberry, whereas, in truth and in fact, it did not so consist but did consist in whole or in part of an imitation product, artificially colored. Misbranding was alleged for the further reason that it was a product other than preserve strawberry, artificially colored and prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, preserve strawberry.

Misbranding of the portion of the Astoria brand catsup contained in bottles was alleged for the reason that the statement, to wit, "Contents 9 Ozs. Avdp.," borne on the labels attached to the bottles containing the article, regarding the said article, was false and misleading, in that it represented that each of the said bottles contained 9 ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said bottles contained 9 ounces of the said article, whereas, in truth and in fact, each of said bottles did not contain 9 ounces of the article but did contain a less amount. Misbranding of the said portion of the Astoria brand catsup was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the fruit jams was alleged for the reason that the statement, to wit, "Contents 12 Ozs.," borne on the labels attached to the jars containing the article, regarding the said article, was false and misleading, in that it represented that each of the said jars contained 12 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said jars contained 12 ounces of the article, whereas, in truth and in fact, each of said jars did not contain 12 ounces of the article but did contain a less amount. Misbranding of the said fruit jams was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 11, 1923, a plea of guilty to the information was entered by the defendant company, and the court imposed a fine of \$450 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11852. Adulteration and misbranding of butter. U. S. v. 200 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17658. I. S. No. 6678-v. S. No. C-4069.)

On July 17, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of butter, remaining unsold in the original unbroken packages at St. Louis, Mo., consigned by John H. Stelle, from McLeansboro, Ill., alleging that the article had been shipped from McLeansboro, Ill., on or about June 7, 1923, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "One Pound Net Gold Label Butter * * * McLeansboro Creamery Co. McLeansboro, Ill."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed with and substituted wholly or in part for the said article. Adulteration was alleged

for the further reason that a valuable constituent of the article, namely, butterfat, had been abstracted therefrom.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Butter," was false and misleading and deceived and misled the purchaser.

On September 18, 1923, John H. Stelle, McLeansboro, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered adjudging the product to be liable to condemnation and forfeiture, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11853. Adulteration of butter. U. S. v. 100 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 17661. I. S. No. 448-v. S. No. E-4440.)

On or about July 24, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 tubs of butter at Jersey City, N. J., alleging that the article had been shipped by the Farmers Cooperative Creamery, Hector, Minn., on or about June 6, 1923, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat and containing excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in whole or in part abstracted from the article.

On September 25, 1923, the Minnesota Cooperative Creameries Assoc., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,700, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory to be reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11854. Misbranding of gray shorts. U. S. v. 600 Sacks of Alleged Gray Shorts. Decree of condemnation entered providing for release of product under bond to be relabeled. (F. & D. No. 17680. I. S. No. 7923-v. S. No. W-939.)

On or about August 4, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 sacks of alleged gray shorts at Los Angeles, Calif., alleging that the article had been shipped by the General Commission Co., Kansas City, Mo., on or about May 17, 1923, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 lbs. net when packed imitation Wheat Gray Shorts & Ground Wheat Screenings not exceeding 8%. Manufactured by Heart of America Flour Mills Kansas City, Mo. Protein, not less than 16.00% Fat, not less than 3.50% Crude Fibre, not more than 10.00% Carbohydrates, not less than 50.00% Ingredients: Wheat Gray Shorts, Flour * * * Wheat Bran and Ground Wheat Screenings."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the labels were false and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 4, 1923, the case having come on for final disposition before the court, a decree of condemnation was entered, and it was ordered by the

court that the product be disposed of in accordance with law. The decree further provided that the product might be released to the claimant, the General Commission Co., Kansas City, Mo., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11855. Adulteration and misbranding of butter. U. S. v. 10 Tubs and 15 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked and relabeled. (F. & D. Nos. 17679, 17727. I. S. Nos. 6361-v, 6682-v. S. Nos. C-4081, C-4107.)

On August 2 and 17, 1923, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 25 tubs of butter, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Excelsior Creamery Co., Baraboo, Wis., in part on or about June 6 and in part on or about July 11, 1923, and transported from the State of Wisconsin into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libels for the reason that a product deficient in milk fat and high in moisture had been mixed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, butterfat, had been abstracted therefrom.

Misbranding of the article was alleged for the reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17 and 26, 1923, respectively, the Excelsior Creamery Co., Baraboo, Wis., having appeared as claimant for the property, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory to be reworked and relabeled.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11856. Adulteration of canned sardines. U. S. v. 5 Cases and 10 Cases of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17728, 17729. I. S. Nos. 1896-v, 1897-v. S. Nos. E-4469, E-4470.)

On August 24, 1923, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information praying the seizure and condemnation of 15 cases of sardines, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Columbian Canning Co., from Lubec, Me., on or about July 4, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Champion Brand American Sardines * * * Packed And Guaranteed By The Columbian Canning Co. * * * Lubec, Maine."

Adulteration of the articles was alleged in the libels for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On September 24, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11857. Adulteration and misbranding of flour. U. S. v. 500 Sacks of Alleged Red Dog Flour. Decree of condemnation entered providing for release of product under bond to be relabeled. (F. & D. No. 17765. I. S. No. 11965-v. S. No. W-940.)

On or about September 7, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of alleged red dog flour, remaining in the original unbroken packages at Pomona, Calif., consigned by

the General Commission Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about July 17, 1923, and transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100# Net Red Dog Distributed By General Commission Co. Kansas City, Mo. Protein, Not Less Than 15.00% Fat, Not Less Than 2.50% Fiber, Not More Than 4.00%."

Adulteration of the article was alleged in the libel for the reason that it contained ground bran, ground screenings, and flour, which had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged in substance for the reason that the above-quoted statements appearing in the labeling were false and misleading and deceived and misled the purchaser, in that the said article contained ground bran, flour, and screenings. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 25, 1923, the case having come on for final disposition before the court, a decree of condemnation was entered, and it was ordered by the court that the product be disposed of in accordance with law. The decree further provided that the product might be released to the claimant, the General Commission Co., Kansas City, Mo., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11858. Adulteration of shell eggs. U. S. v. 98 Cases and 41 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17768, 17769. I. S. Nos. 3973-v, 3974-v. S. Nos. C-4070, C-4074.)

On or about July 17 and 18, 1923, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 139 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that 98 cases of the product had been shipped by the Gifford Farm Club, from Gifford, Mo., July 15, 1923, and that 41 cases of the said product had been shipped by Larson & Weiner, from Stockholm, Wis., July 12, 1923, and that the article had been transported from the States of Missouri and Wisconsin, respectively, into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On July 21, 1923, the cases having been consolidated into one action and Harry H. Redfaern Co., of Chicago, Ill., claimant, having admitted the material allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be canded under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11859. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree ordering destruction of the product. (F. & D. No. 17854. I. S. No. 17832-v. S. No. C-4117.)

On or about September 4, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of eggs at Chicago, Ill., alleging that the article had been shipped by James Formanek, from Irving, Iowa, August 14, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further

reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On September 27, 1923, no claimant having appeared for the property, it was ordered by the court that the product be destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11860. Misbranding and alleged adulteration of canned salmon. U. S. v. 200 Cases and 200 Cases of Canned Salmon. Tried to the court without a jury. Judgment of condemnation and forfeiture with provision for release under bond. Claimant failed to execute bond and product was destroyed. (F. & D. Nos. 15941, 15942. I. S. Nos. 18222-t, 18223-t. S. No. C-3410.)

On January 28, 1922, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and thereafter amended libels, praying the seizure and condemnation of 400 cases of canned salmon, in part at Galveston and in part at Houston, Tex., alleging that the article had been shipped by the Seaboard Co., Seattle, Wash., on or about November 16, 1921, and transported from the State of Washington into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Kay-Square Brand * * * Pink Salmon * * * Keen-Eye Inspection Fresh Fish Clean Canneries * * * Inspected * * * Kenai Packing Co. Seattle, Wash."

Adulteration of the article was alleged in the libels as amended for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statements appearing in the labels, "Inspected" and "Keen-Eye Inspection Fresh Fish," were false and misleading and deceived and misled the purchaser.

On March 30, 1923, the cases came on for trial before the court without a jury. After the submission of evidence and arguments by counsel the court took the matter under advisement, and on April 5, 1923, handed down the following memorandum opinion (Hutcheson, jr., D. J.):

"These two cases are proceedings under separate numbers against two lots of salmon, one originally libeled in Galveston and proceeded against in Galveston under the Galveston number, D. L. 724, later transferred to Houston; the other libeled against in Houston and proceeded against in Houston under D. L. No. 419.

"The Government contends for condemnation and forfeiture on the ground (1) that the articles are misbranded and (2) that they are adulterated, in that they consist wholly or in part of filthy, decomposed, and putrid animal substance, in violation of paragraphs 6 and 7 of the Food and Drugs Act of 1906.

"In each of these cases the Seaboard Company appeared as claimant and filed exceptions and answer, and under orders of the court by agreement between the parties from time to time samples of the seized shipments were taken and examined.

"Not until the trial had concluded was any point made as to the right of the claimant to appear and claim, and at that time the Government's counsel made the contention that the interest of the claimant was not shown.

"This motion, if it ever was meritorious, comes too late. (United States v. 46 Packages, 183 Fed. 644.)

"Each can had on it a pinkish red label showing a picture in relief of a salmon, under it the words, 'Select Pink Salmon,' by the side of the picture the following, 'Keen-Eye Inspection Fresh Fish Clean Canneries,' and this was in white lettering. In black letters, to simulate a stamp, was the word 'Inspected.'

"The evidence on the part of the Government was that this product was not Government inspected, and that if the stamp was intended to make the impression of Government inspection, it was false.

"The evidence of the Government was also overwhelming that the fish was not fresh fish in the sense of that term as used in the canning trade, that is, fish canned when they had been on the floor not over forty-eight hours—which was the time limit fixed by the Government witness and not contradicted—within which fish could be said to be fresh.

"The testimony was also overwhelming that the fish, if not putrid or rotten, was a poor and therefore not a select pack of pink salmon, for while pink salmon is according to the testimony one of the inferior brands, it varies in quality according to the freshness and general character of the fish put up.

"It is therefore clear to me that the articles seized have offended against the misbranding statute, one purpose of which is to protect purchasers from injury from the sale of inferior for superior articles (*Hall v. Baker*, 198 Fed. 615; *United States v. 150 Cases*, 211 Fed. 361), and that deception being present and that ground of forfeiture clearly existing, it would, but for the provisions of section 8726 authorizing the court to direct the delivery of the articles to the owner, be unnecessary for the court to pass at all upon the question of whether, as to any part of the shipment, the Government has made a case on its second ground.

"Upon the issue of whether the product was filthy, decomposed, or putrid, the evidence was in sharp conflict.

"I agree with the Government that it is not essential under this subdivision of section 7 to establish that the articles were unfit for food, or deleterious if eaten. It is sufficient if the Government establishes that the article sought to be condemned was composed in whole or in part of decomposed, filthy, or putrid animal substance. That the contents of some of the cans contained in the shipments under seizure were of the character described in the Government's libel, I have no doubt.

"That a great many of them were not, the Government's own testimony established, for taking the method of testing by sample which the Government itself claims to be fairly correct, they reached the conclusion that something like 18 per cent of the seizure was filthy, putrid, and decomposed, leaving 82 per cent not within the terms of the second ground of their libel, while the claimant's witnesses testified to having made chemical tests of some of the samples, finding no evidence of decomposition, and also to having experimented by serving some of the contents of the cans as food without harmful result.

"It is the claimant's contention that the test applied by the Government of smelling is insufficiently certain to justify condemnation and that even the percentage of defectives testified to by the Government has not in fact been shown, but they claim further that conceding as much defective fish as the Government's witnesses contended for, that the Government has not made a case for the condemnation of cans not already tested and proved to be bad.

"That, in short, it is incumbent upon the Government to either prove that they have examined each can and found it defective or that they have established such regularity of defects as to support the inference that all the cans are defective.

"The Government relies for the contrary of this upon the opinion of the Circuit Court of Appeals of the United States, in *U. S. v. A. O. Anderson*, an opinion from the Ninth Circuit (284 Fed. 542), in which the circuit court declared that the 'article' referred to in the condemnation statute did not mean the single or individual can of salmon but was used generically as referring to the entire salmon shipment under seizure as one thing, and that if the Government proved that one-fifth of the entire product was unfit for human consumption, it would be competent for the jury to infer from that that the balance was also.

"To these conclusions I am not prepared to lend my adherence. I concede the force of the reasoning that in section 8726 the language, 'any article of food, drug, or liquor,' if standing alone, might well have a generic meaning as relating to the character of the shipment, whether salmon or pork or beans or what not, and that it may well be said to be a case of using the word 'article' as a singular plural, or a plural singular. However, in the caption of the act the plural is used, and in the body of the act it is provided that 'upon the payment of [the] costs * * * and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold,' they may be delivered.

"Again, in the discussion of similar words in other places in the statute, the Supreme Court has seemed to take a different view from that expressed in the *Anderson* case. In *Hippolite Egg Co. v. United States* (220 U. S. 52) the court treats the 'articles' as the contents of packages designed for food and discusses the question of original packages as applied to the original box in which they come shipped, as distinguished from the can or package containing the food itself, and in the discussion makes it clear that they treat the word 'article' as the food itself contained in the package designed for delivery to the consumer.

"In *Hoke v. United States* (227 U. S. 323) the court said, 'In the *Hippolite Egg Co.* case we denominated adulterated articles as "outlaws of commerce."' "

"In *McDermott v. United States* (228 U. S. 130) the court showed clearly that it considered that the word 'article' referred to the adulterated thing itself, rather than the package or case in which it came in shipment.

"Again, if the reasoning in the *Anderson* case is accepted, and the word 'article' is to be taken generically, still the conclusion reached in that opinion does not follow, that proof that of the cans examined one-fifth were bad and four-fifths were good would authorize the jury to find the whole product bad. It might well be as in the oyster case (*Notice of Judgment 4922*), opinion by Judge Hand, that where only a part of the shipment was examined, and that part ran uniformly bad, the jury would be authorized to find, if that was a fair sample, that it indicated that the whole shipment was bad; but it would not at all follow, but rather the contrary, that if a shipment was examined, and the examination showed as it proceeded that one-fifth was bad and four-fifths good, that the court could order the whole product condemned.

"The case, in short, is not one where the Government has proven a part of it bad as a basis for the inference that all was bad, but one in which the very proof of the Government establishes that part of it is not bad within the meaning of the statute, and I am inclined to think that if the Government depended for its condemnation upon subdivision 6 of section 7 of the act, in accordance with the general rule of law that the burden is upon the Government to prove its case, the Government would have to be cast in this suit or would have to take the alternative of examining and testing every can of the shipment.

"Since, however, the goods are to be condemned for misbranding, the court now makes it known that it is of the opinion that some part of the shipment is bad, and that the goods will not be released under bond to the owner merely for rebranding but only upon condition that the goods be reexamined and reclassified, the good being separated from the bad.

"Since it is not known whether any application for the withdrawal of the goods will be made, it is sufficient now to direct that a judgment of condemnation and forfeiture be entered."

On July 3, 1923, a decree of the court was entered adjudging the product to be misbranded and ordering its condemnation, and it was further ordered that the product might be released to the claimants, the Seaboard Co. and Rush Este, upon the execution within ten days from the entry of the decree of a good and sufficient bond, conditioned upon the separation by the claimants of the good from the bad portion of the product, otherwise, that it be destroyed. Subsequently, the claimants having failed to furnish bond as required by the said decree, the product was destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11861. Misbranding of Egyptian regulator tea. U. S. v. 43 Packages, 13 Packages, and 1 Package of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14486. I. S. No. 10513-t. S. No. W-875.)

On February 1, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43 small packages, 13 medium packages, and 1 large package of Egyptian regulator tea, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped by the Kells Co., from Newburgh, N. Y., in part September 3 and in part October 30, 1919, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of compressed herbs, including senna, coriander, dog grass, licorice root, ginger, sambucus, cinnamon, and dandelion root.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part on the circulars or wrappers accompanying the said article, as follows, (white circular, all sizes) "A Speedy and Positive relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness * * * Nature's Own Gift To Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just

Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption. Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * diabetes * * * Malaria * * * killing the Disease Germs * * * Heart troubles, Paralysis, Rheumatism, Gout * * * apoplexy," (blue wrapper, small and medium sizes) "Egyptian Regulator Tea A Remedy For * * * Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney trouble," (blue wrapper, large size) "Egyptian Regulator Tea An Excellent Remedy for * * * Dyspepsia * * * Rheumatism, Nervousness, Liver Complaints, Sick Headache, Also Corpulency, Etc.," which said statements were false and fraudulent, in that the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On July 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11862. Adulteration and misbranding of wheat shorts. U. S. v. 160 Sacks of Alleged Wheat Shorts. Product released under bond to be used as dairy feed. (F. & D. No. 16382. I. S. No. 2853-t. S. No. C-3650.)

On June 7, 1922, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of alleged wheat shorts at Bessemer, Ala., alleging that the article had been shipped by the Sutherland Flour Mills Co., Cairo, Ill., February 24, 1922, and transported from the State of Illinois into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag on sack) "100 Lbs. Net When Packed Wheat Shorts with Mill Run Ground Screenings Guaranteed Analysis: Protein not less than 16.00% Fat not less than 4.00% Carbohydrates not less than 56.00% Crude Fiber not more than 8.50% Manufactured by Sutherland Flour Mills Co. Cairo, Ill. Wheat Shorts."

Adulteration of the article was alleged in the libel for the reason that reground brand [bran] had been mixed and packed with and substituted wholly or in part for wheat shorts with mill run ground screenings.

Misbranding of the article was alleged for the reason that the statement appearing in the labeling, "Wheat Shorts with Mill Run Ground Screenings," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On July 21, 1922, the Bessemer Feed Mills, Bessemer, Ala., having appeared as claimant for the property and having agreed that the product should be used as dairy feed, in consideration of its release, and having executed a bond in the sum of \$500 to secure the performance of the said agreement, a decree of the court was entered ordering that the case be dismissed without prejudice to the rights of the Government in the event of the breach of the said bond.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11863. Misbranding of Eckman's alternative. U. S. v. 20 Dozen Packages and 34 Dozen Packages of Eckman's Alternative [Alternative]. Decree providing for release of product under bond to be relabeled. (F. & D. Nos. 16714, 16715. I. S. Nos. 7902-v, 7904-v. S. Nos. W-1181, W-1182.)

On August 4, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 dozen packages and 34 dozen packages of Eckman's alternative [alternative], remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Burrows-Little-White Co., alleging that the article had been shipped in various consignments, namely, on or about April 12,

1920, November 23, 1921, and April 6, 1922, respectively, in part from Philadelphia, Pa., and in part from Kansas City, Mo., and transported from the States of Pennsylvania and Missouri, respectively, into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 3.3 per cent of calcium chloride, 2.3 per cent of plant extracts, and 94.4 per cent of water, flavored with clove oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, (carton and bottle) "Eckman's Alternative [Alternative] For use in the following Throat and Lung Affections Bronchial Asthma, Catarrhal Bronchitis and Pulmonary Troubles, Stubborn Coughs, and Colds," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 28, 1922, the Burrows-Little-White Co. having appeared as claimant for the property and having executed a bond in the sum of \$700, in conformity with section 10 of the act, conditioned in part that the claimant pay the costs of the proceedings, it was ordered by the court that the said product be released to the claimant for the purpose of rebranding or relabeling.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11864. Adulteration and misbranding of salad oil. U. S. v. 27 Cartons of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 16740. I. S. No. 7114-t. S. No. E-4073.)

On July 24, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 27 cartons, each containing 6 gallon cans of salad oil, at Newark, N. J., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about June 29, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "High Grade Oil Medaglia D'Oro Brand * * * Vegetable Salad Oil More Practical Than Olive Oil A Compound Contents 1 Gallon Packed By B. Mayer, New York."

Adulteration of the article was alleged in the libel for the reason that a substance or substances, namely, an oil or oils other than olive, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the package or label bore a statement, as follows, "High Grade Oil Medaglia D'Oro Brand * * * Re d'Italia * * * Contents 1 Gallon Packed By B. Mayer, New York," together with designs of a medal apparently of foreign origin, a cut showing an Italian soldier on horseback in foreground, and a conventional design of olive branches with background showing an Italian scene, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding was alleged for the further reason that the package was falsely branded as to the State in which the article was manufactured or produced, for the further reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it purported to be a foreign product when not so.

On October 26, 1922, Benjamin Mayer, New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the article be relabeled under the supervision of this department, as follows: "Corn Oil (Made in America) Contents 3 qts. 1 pt. 12 ozs. Distributed by B. Mayer, New York. Olio Di Granturco (Prodotto d'America) Contenuto 3 quarti 1 pinta 12 onze. B. Mayer, Distributore, New York."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11865. Adulteration and misbranding of canned oysters. U. S. v. 48 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16908. I. S. No. 7608-v. S. No. W-1228.)

On November 13, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 cases of canned oysters, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Dunbar-Dukate Co., from Gulfport, Miss., alleging that the article had been shipped from Gulfport, Miss., on or about May 16, 1922, and transported from the State of Mississippi into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Louisiana Cove Net Contents 10 Ounces Oyster Meat * * * Oysters Dunbar-Dukate Co. * * * New Orleans, La. Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that water or brine had been substituted in part for the said article.

Misbranding of the article was alleged for the reason that the statement, "Net Contents 10 Ounces," appearing on the cans containing the said article, was false and deceived and misled the purchaser, in that the net contents of each of the said cans was less than 10 ounces. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 30, 1923, the Nave-McCord Mercantile Co., Denver, Colo., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11866. Adulteration and misbranding of assorted jellies. U. S. v. 42 Cases and 36 Cases of Assorted Jellies. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17334. I. S. Nos. 8168-v, 8169-v, 8170-v, 8171-v. S. No. W-1340.)

On March 16, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 cases of 8-ounce jars and 36 cases of 15-ounce jars of assorted jellies, consigned by the Red Wing Co., Fredonia, N. Y., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the articles had been shipped from Fredonia, N. Y., on or about December 1, 1922, and transported from the State of New York into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Willow Brook * * * Pure Fruit Jelly Apple Currant" (or "Apple Strawberry," "Apple Raspberry," or "Apple Grape") "Made From Pure Fruit Juices And Granulated Cane Sugar Manufactured And Guaranteed By The Red Wing Co."

Adulteration of the articles was alleged in the libel for the reason that substances composed of pectin had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality and strength, and for the further reason that substances composed of artificially colored pectin jellies had been substituted for fruit jellies, which the products purported to be.

Misbranding was alleged in substance for the reason that the statements, "Pure Fruit Jelly Apple Currant," or "Apple Strawberry," "Apple Raspberry," or "Apple Grape," as the case might be, and "Made From Pure Fruit Juices," appearing on the labels of the respective products, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On May 18, 1923, the Red Wing Co., Inc., Fredonia, N. Y., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11867. Adulteration and misbranding of butter. U. S. v. 14 Boxes of Butter. Decree ordering release of product under bond. (F. & D. No. 17440. I. S. No. 1833-v. S. No. E-4347.)

On March 30, 1923, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 boxes of butter at Concord, N. H., alleging that the article had been shipped by M. F. Donahue, from Essex Junction, Vt., on or about March 22, 1923, and transported from the State of Vermont into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted from the said article.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the package or label bore a statement regarding the article and the ingredients and substances contained therein, to wit, "Butter," which was false and misleading and deceived and misled the purchaser.

On July 24, 1923, Michael F. Donahue, Essex Junction, Vt., having appeared as claimant for the property and having executed a bond in the sum of \$500, in conformity with section 10 of the act, judgment of the court was entered ordering that the product be released to the said claimant, upon payment of the costs of the proceedings, and that the said product be made to comply with the law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11868. Adulteration and misbranding of tankage. U. S. v. 95 Sacks and 100 Sacks of Digester Tankage. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17625, 17626. I. S. Nos. 8840-v, 8841-v. S. No. C-4061.)

On or about July 9, 1923, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 195 sacks of digester tankage, remaining in the original unbroken packages, in part at Crawfordsville and in part at Jamestown, Ind., alleging that the article had been shipped by Swift & Co., from Cleveland, Ohio, on or about May 23, 1923, and transported from the State of Ohio into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sack) "100 Lbs. Net Swift's Digester * * * Tankage Manufactured By Swift & Company, Chicago. Guaranteed Analysis Protein 60%."

Adulteration of the article was alleged in substance in the libels for the reason that a substance deficient in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement, "Protein 60%," was false and misleading and deceived and misled the purchaser, in that the said article did not contain 60 per cent of protein but a less and smaller amount of such substance.

On August 30, 1923, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libels, paid the costs of the proceedings, and executed bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant under the conditions of the said bonds and in pursuance with the said act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11869. Adulteration and misbranding of butter. U. S. v. 250 Pounds and 170 Pounds of Creamery Butter. Consent decree providing for release of product under bond. (F. & D. No. 17741. I. S. Nos. 4933-v, 4934-v. S. No. C-4110.)

On August 22, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 250 pounds and 170 pounds of creamery butter at Memphis, Tenn., alleging that the article had been shipped by the Sardis Creamery Co., from Sardis, Miss., August 3, 1923, and transported from the State of Mississippi into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Clearbrook Creamery * * * Butter Net Weight One Pound." The remainder of the article was labeled in part: "Lakeview Creamery Butter * * * Net Weight One Pound."

Adulteration of the article was alleged in substance in the libel for the reason that butter containing excessive moisture had been mixed and packed with and substituted for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted therefrom.

Misbranding of the article was alleged for the reason that the statement, "One Pound," was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 4, 1923, the Sardis Creamery Co., Sardis, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act, conditioned in part that the product be reworked and repacked to meet the objections set forth in the said libel.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11870. Misbranding of Vitalo, Parrott sexual pills, and Allan's compound extract of damiana. U. S. v. 6 Bottles of Vitalo, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15769, 15770, 15792, 15814, 15815, 15816, 15817, 16076, 16077. S. Nos. C-3456, C-3457, C-3475, C-3486, C-3487, C-3488, C-3489, C-3490, C-3491, C-3500, C-3501.)

On April 12, 14, and 28, 1922, respectively, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on August 31, 1922, an amendment to one of the said libels, praying the seizure and condemnation of 109 bottles of Vitalo, 75 packages of Parrott sexual pills, and 58 bottles of Allan's compound extract of damiana, remaining in the original unbroken packages in various lots at Monroe, Shreveport, Minden, Vivian, Alexandria, and Lake Charles, La., respectively, alleging that the articles had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., between the dates of August 31, 1918, and January 27, 1922, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the Vitalo was labeled in part: (Bottle, both sizes) "Aphrodisiac;" (carton, both sizes) "Aphrodisiac;" (carton, small size) "An Aid In Relieving General Weakness." A second lot of the Vitalo was labeled in part: (Bottle and carton) "Vitalo * * * Nerve and Muscle Tonic;" (carton, additional) "Remedy * * * For General Weakness * * * Nervous Debility * * * for the Nerves, Brain, and Muscles. A third lot of the Vitalo was labeled in part: (Bottle) "Vitalo * * * Nerve And Muscle Tonic For Both Sexes;" (carton) "Vitalo * * * Aphrodisiac May Be Used By Both Sex. This Remedy Acts As An Aid In Relieving General Weakness." A portion of the Parrott sexual pills was labeled in part: (Box and circular) "Sexual Pills A Tonic For Both Sex * * * For Hysteria, Dizziness, Nervous Prostration, Nervous Debility and General Weakness." The remainder of the said Parrott sexual pills was labeled in part: (Box and circular) "Sexual Pills * * * Recommended for Hysteria, Dizziness, Nervous Prostration, Nervous Debility and General Weakness." A portion of the Allan's compound extract of damiana was labeled in part: (Bottle and carton) "A Tonic For Both Sex;" (carton, additional) "Aphrodisiac * * * For General Weakness * * * Nervous Debility." The remainder of the said Allan's compound was labeled in part: (Bottle) "A Tonic For Both Sex;" (carton) "Aphrodisiac * * * Diuretic * * * Useful In Nervous Debility * * * An Excellent Remedy For General Weakness." The labels of the said Allan's compound bore a design of a

male figure holding to his lips the left hand of a female figure, his right arm at her back and his right hand resting on her shoulder, holding her right hand.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Vitalo consisted of extracts of plant drugs, including damiana and nux vomica, sugar, alcohol, and water, that the Parrott sexual pills contained strychnine and a compound of iron and phosphorus, coated with calcium carbonate, and that Allan's compound extract of damiana consisted of extracts of plant drugs, including nux vomica, sugar, alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the labeling of the respective articles bore statements regarding their curative and therapeutic effects which were false and fraudulent, in that the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. Misbranding was alleged with respect to the said Vitalo for the further reason that the label on the bottles containing the article failed to bear a statement of the quantity or proportion of alcohol contained therein.

On October 16, 1922, December 11, 1922, and April 2, 1923, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11871. Misbranding of Tubbs white pine cough cure and Tubbs' condition powder. U. S. v. 20 Bottles, et al., of Tubbs White Pine Cough Cure and 24 Packages, et al., of Tubbs' Condition Powder. Consent decrees of condemnation and forfeiture with respect to 58 dozen bottles of Tubbs white pine cough cure and product released under bond to be relabeled. Default decrees of condemnation, forfeiture, and destruction with respect to remainder of products. (F. & D. Nos. 16156, 16157, 16158, 16159, 16160, 16161, 16162. S. Nos. C-3555, C-3556, C-3557, C-3558, C-3559, C-3560, C-3561.)

On April 29, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 75½ dozen bottles of Tubbs white pine cough cure and 43 packages of Tubbs' condition powder, remaining in the original unbroken packages at Cloquet, Duluth, and Cromwell, Minn., respectively, alleging that the articles had been shipped by the Tubbs Medicine Co., from River Falls, Wis., between the dates of February 26, 1921, and April 8, 1922, and transported from the State of Wisconsin into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cough cure consisted essentially of pine tar, extract of a bark, chloroform, sugar, alcohol, and water, and that the condition powder consisted essentially of ground oil cake, nux vomica, charcoal, sulphur, soda, salt, copperas, and potassium nitrate.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing on the labels of the bottles containing the cough cure, "Tubbs White Pine Cough Cure * * * For * * * Croup, Whooping Cough & Relief in Consumptive Cases. * * * Take one teaspoonful every 30 minutes till relief is certain. Larger doses do not hasten a cure," and the following statements appearing in the labeling of the condition powder, "Tubbs' Condition Powder * * * It is an invaluable remedy for * * * Distemper * * * Mange, Coughs * * * Boils, Pink Eye, Epizootic * * * For Horses * * * for * * * Coughs, Distemper * * * Heaves, Influenza * * *. Distemper and Epizootic readily overcome by using a tablespoonful three times a day. * * * prevents * * * heaves * * * For Cows * * * To prevent garget, milk-fever * * * For Calves * * * prevent scours * * * For Hogs To prevent cholera * * * For Poultry Cholera, Roup, Gapes," regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since the said products contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On July 20, 1922, the Tubbs Medicine Co., River Falls, Wis., having appeared as claimant for 58 dozen bottles of the cough cure and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$200, in conformity with section 10 of the act,

conditioned in part that it be relabeled to the satisfaction of this department. On September 14, 1923, no claimant having appeared for the balance of the cough cure and for the condition powder, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11872. Adulteration and misbranding of canned shrimp. U. S. v. 22 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16349. I. S. No. 6779-t. S. No. E-3885.)

On May 26, 1922, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of United States for said district a libel praying the seizure and condemnation of 22 cases of canned shrimp at Manchester, N. H., alleging that the article had been shipped by the Acme Packing Co., from Apalachicola, Fla., on or about February 13, 1922, and transported from the State of Florida into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "AC-PA-Co Brand * * * Fancy Shrimp Wet Contents 5 3/4 Oz. * * * Packed By Acme Packing Co. Apalachicola, Fla."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for canned shrimp.

Misbranding of the article was alleged for the reason that the statement, "Wet Contents 5 3/4 Oz.," borne on the labels of the cans containing the article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On October 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11873. Misbranding of Montauk star brand pills and Princess brand pennyroyal, tansy, and cotton root bark compound. U. S. v. 136 Packages of Montauk Star Brand Pills and 99 Packages of Princess Brand Pennyroyal, Tansy, and Cotton Root Bark Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16873. I. S. Nos. 7603-v, 7604-v. S. Nos. W-1222, W-1223.)

On October 21, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 136 packages of Montauk star brand pills and 99 packages of Princess brand pennyroyal, tansy, and cotton root bark compound, consigned by the Olympia Laboratory, New Orleans, La., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the articles had been shipped from New Orleans, La., on or about May 9, 1922, and transported from the State of Louisiana into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Montauk star brand pills contained iron sulphate, aloes, and a trace of strychnine, and that the Princess brand pills contained aloes.

Misbranding of the articles was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the respective products, regarding the curative and therapeutic effects thereof, (Montauk star brand pills) (box) "Female Pills," (circular accompanying both products) "For use in the suppression of irregularities of the menses. These pills are efficient in their results * * *. In cases where the period is irregular, it is best to commence the use of these pills three or four days before the expected time, by taking one pill every four hours until time arrives. Young girls approaching the time of puberty, or who have not overcome the functional derangements induced by that momentous change in their life, can be given these pills with great benefit, restoring elasticity to the step, brightness to the eyes and cheerfulness to the disposition. Reliable," were false and fraudulent, in that the said products contained no ingredients or combinations of ingredients capable of producing the curative or therapeutic effects claimed.

On April 30, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11874. Adulteration of cocoa beans. U. S. v. 81 Bags of Cocoa Beans. Consent decree of condemnation and forfeiture. Product released under bond to be made into cocoa butter. (F. & D. No. 17357. I. S. No. 5-v. S. No. E-4325.)

On March 14, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 81 bags of cocoa beans, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Simon J. Benzo, from Para, Brazil, and transported from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 3, 1923, H. A. Astlett & Co., New York, N. Y., claimants, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$960, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory and reworked and reprocessed so as to extract the cocoa butter and that the residue be destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11875. Adulteration and misbranding of canned oysters. U. S. v. 58 Cases and 34 Cases of Oysters. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17438, 17439. I. S. Nos. 4526-v, 4527-v. S. Nos. C-4004, C-4005.)

On or about May 2, 1923, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 92 cases, each containing 24 cans of oysters, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Shelmore Oyster Co., Charleston, S. C., on or about November 21, 1922, and transported from the State of South Carolina into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Case) "2 Doz. 5 Oz. Oysters." A portion of the article was labeled in part: (Can) "Oysters Contents 5 Oz."

Adulteration of the article was alleged in the libels for the reason that a substance, namely, an excessive amount of brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding of the article was alleged in substance for the reason that the cases containing the said cans bore a label regarding the substances contained therein, namely, "5 Oz. Oysters," and a design showing an oyster on the half shell, which said label and design were false and misleading and deceived and misled the purchaser, in that excessive brine had been mixed and packed with and substituted in part for oysters. Misbranding was alleged for the further reason that the article was food in package form and the weight of the contents or the said cans was not plainly marked on the outside of the said cases.

On September 20, 1923, the Shelmore Oyster Products Co., Charleston, S. C., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11876. Adulteration of butter. U. S. v. 269 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 17651. I. S. No. 501-v. S. No. E-4447.)

On July 16, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 269 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Pelstring-Erickson Creamery Co., from Canby, Minn., alleging that the article had been shipped from Canby, Minn., on or about June 29, 1923, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been in whole or in part abstracted.

On August 15, 1923, the Pelstring-Erickson Creameries, Inc., Luverne, Minn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,000, in conformity with section 10 of the act, conditioned in part that it be delivered to the factory to be reworked and reprocessed to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11877. Adulteration of butter. U. S. v. 127 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 17652. I. S. No. 372-v. S. No. E-4448.)

On July 16, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 127 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Hanska & Linden, from Hanska, Minn., alleging that the article had been shipped from Hanska, Minn., on or about June 19, 1923, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been in whole or in part abstracted.

On August 7, 1923, the Minnesota Cooperative Creameries Assoc., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,048, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory and reworked and reprocessed to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11878. Adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17656. I. S. No. 508-v. S. No. E-4454.)

On July 17, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 tubs of butter at Jersey City, N. J., alleging that the article had been shipped by the Equity Cooperative Creamery Assoc., Wadena, Minn., on or about July 2, 1923, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

On September 27, 1923, the Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory and reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11879. Adulteration and misbranding of lutein tablets. U. S. v. 5 Tubes of Lutein Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17674. I. S. No. 1785-v. S. No. E-4461.)

On August 6, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 5 tubes, more or less, of so-called lutein tablets, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Morgenstern & Co., from New York, N. Y., on or about April 30, 1923, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of potato starch, licorice root, and celery seed, with little or no *corpus luteum* or other animal tissue.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was sold as a product containing 5 grains of lutein (*corpus luteum*), whereas, in truth and in fact, it contained not more than a trace of, if any, *corpus luteum*.

Misbranding of the article was alleged for the reason that the package containing the article bore statements regarding the said article and the ingredients and substances contained therein, as follows, "5 Gr. Lutein (Corpus Luteum) Tablets H. W. & D. * * * Baltimore Each tablet represents approximately twenty grains of fully developed *corpora lutea*," which were false and misleading, in that the said statements represented that the said article contained 5 grains of lutein (*corpus luteum*) and that each tablet represented approximately 20 grains of fully developed *corpora lutea*, whereas, in truth and in fact, the said article did not contain 5 grains of lutein (*corpus luteum*) and each tablet did not represent approximately 20 grains of fully developed *corpora lutea*, since the article contained not more than a trace of, if any, *corpus luteum*. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the name of another article, to wit, genuine lutein (*corpus luteum*) tablets.

On September 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11880. Misbranding of Garren's blood purifier and tonic. U. S. v. 58½ Dozen Bottles, et al., of Garren's Blood Purifier and Tonic. Decrees entered providing for release of product under bond. (F. & D. Nos. 14789, 14790, 14791, 14792, 14793. S. Nos. E-3318, E-3321.)

On April 18, 1921, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and subsequently amended libels, praying the seizure and condemnation of 188½ dozen bottles of Garren's blood purifier and tonic, remaining in the original unbroken packages, in part at Jacksonville and in part at Tampa, Fla., consigned in part by the Garren Medicine Co., from Hendersonville, N. C., and in part by the Asheville Medicine Co., from Asheville, N. C., alleging that the article had been shipped in various consignments, namely, on or about February 7,

10, 21, and 25, 1921, respectively, and transported from the State of North Carolina into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including goldenseal, a benzoate, glycerin, alcohol, and water.

Misbranding of the article was alleged in the libels as amended for the reason that the following statements regarding its curative and therapeutic effects, appearing in the labeling, (carton) "Blood Purifier * * * for Indigestion, Dyspepsia, Nervousness, Weakness * * * Disorders of the Blood * * * Impure Blood * * * for Pimples, Blotches, Tumors, Boils, Ringworm, Scrofula, Ulcers and Syphilis. * * * Indigestion * * *. Powerful purifier of the blood," (bottle) "Blood Purifier * * * Indigestion * * *. A Purifier of the Blood * * * Impurities of the Blood," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 11 and 15, 1921, respectively, the Asheville Medicine Co., Asheville, N. C., successors to the Garren Medicine Co., having appeared as claimants for the property and having executed good and sufficient bonds in conformity with section 10 of the act, judgments of the court were entered ordering that the product be released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11881. Misbranding of Garren's blood purifier and tonic. U. S. v. 12 Dozen Bottles of Garren's Blood Purifier and Tonic. Decree entered ordering release of product under bond. (F. & D. No. 14804. S. No. E-3325.)

On April 18, 1921, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently an amended libel, praying the seizure and condemnation of 12 dozen bottles of Garren's blood purifier and tonic, remaining in the original unbroken packages at Jacksonville, Fla., consigned by the Garren Medicine Co., from Hendersonville, N. C., alleging that the article had been shipped from Hendersonville, N. C., on or about February 7, 1921, and transported from the State of North Carolina into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including goldenseal, a benzoate, glycerin, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, (carton) "Blood Purifier * * * for Indigestion, Dyspepsia, Nervousness, Weakness * * * Disorders of the Blood * * * Impure Blood * * * for Pimples, Blotches, Tumors, Boils, Ringworm, Scrofula, Ulcers and Syphilis * * * Indigestion * * *. Powerful purifier of the blood," (bottle) "Blood Purifier * * * Indigestion * * *. A Purifier of the Blood * * * Impurities of the Blood," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 15, 1923, the Asheville Medicine Co., successors to the Garren Medicine Co., having appeared as claimant for the property and having executed a good and sufficient bond, in conformity with section 10 of the act, judgment of the court was entered ordering that the product be released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11882. Adulteration and misbranding of Chocolat-Nuga. U. S. v. Adolph L. Seidel, Walter F. Seidel, and Louis Seidel (Ad. Seidel & Sons). Pleas of guilty. Fine, \$50. (F. & D. No. 15455. I. S. No. 2067-t.)

On January 14, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolph L. Seidel, Walter F. Seidel, and Louis Seidel, copartners, trading as Ad. Seidel & Sons, Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 19, 1921, from the State of Illinois into the State of Indiana, of a quantity of Chocolat-Nuga which was adulterated and misbranded. The article was labeled in

part: (Can) "Chocolat-Nuga (100% Pure) * * * Manufactured Only By Ad. Seidel & Sons. * * * Chicago, U. S. A."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted of cocoa and that at least 50 per cent of the fat present was copra oil.

Adulteration of the article was alleged in the information for the reason that a mixture composed of copra oil, to wit, coconut oil prepared from copra, the dried kernels of the coconut, and cocoa powder deprived of a portion of its fat, had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that cocoa butter, a valuable constituent of the article, had been in part abstracted.

Misbranding of the article was alleged for the reason that it was a mixture composed wholly or in part of copra oil, to wit, coconut oil prepared from copra, the dried kernels of the coconut, and cocoa powder deprived of a portion of its fat, and was an imitation of and offered for sale under the distinctive name of another article, to wit, chocolate. Misbranding was alleged for the further reason that the statement, to wit, "Chocolat-Nuga (100% Pure) A Superior Chocolate Icing Substance Guaranteed Pure Chocolate," borne on the can containing the article, regarding the article and the substances and ingredients contained therein, was false and misleading, in that the said statement represented the article to be 100 per cent pure chocolate, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was 100 per cent pure chocolate, whereas, in truth and in fact, it was not 100 per cent pure chocolate but was an article composed wholly or in part of a mixture of copra oil and cocoa powder. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 20, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11883. Adulteration and misbranding of potatoes. U. S. v. 200 Bags of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16816. I. S. No. 3110-v. S. No. E-4183.)

On September 18, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 bags of potatoes, remaining unsold in the original packages at Jacksonville, Fla., consigned by Chamberlin & Barclay, Hightstown, N. J., alleging that the article had been shipped from Hightstown, N. J., on or about September 8, 1922, and transported from the State of New Jersey into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bag) "U. S. Grade No. 1 * * * Chamberlin & Barclay."

Adulteration of the article was alleged in the libel for the reason that potatoes of a lower grade than designated on the labeling had been mixed and packed with and substituted wholly or in part for U. S. Grade No. 1 potatoes.

Misbranding of the article was alleged for the reason that the statement appearing in the labeling, "U. S. Grade No. 1," was false and misleading and deceived and misled the purchaser.

On September 20, 1922, N. A. Faulkner & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11884. Adulteration and misbranding of cottonseed meal. U. S. v. 350 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16989. I. S. No. 3194-v. S. No. E-4230.)

On or about November 22, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 350 sacks of cottonseed meal, remaining unsold

in the original unbroken packages at Jacksonville, Fla., consigned by the Central Oil & Fertilizer Co., Valdosta, Ga., alleging that the article had been shipped from Valdosta, Ga., on or about October 31, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Prosperity Brand Cottonseed Meal * * * 100 lbs. Net Manufactured By Central Oil & Fertilizer Co. Home Office, Macon, Georgia Guarantee Protein * * * 36.00 * * * Ammonia 7.00."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and ammonia had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding of the article was alleged for the reason that it was labeled, "Prosperity Brand Cottonseed Meal * * * Guarantee Protein * * * 36.00 * * * Ammonia 7.00," which statement was false and misleading and deceived and misled the purchaser, since the said article was deficient in protein and ammonia.

On March 13, 1923, the Central Oil & Fertilizer Co., Macon, Ga., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11885. Adulteration of shell eggs. U. S. v. Louis E. Eirenberg. Plea of guilty. Fine, \$5. (F. & D. No. 17422. I. S. No. 5810-v.)

On August 24, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis E. Eirenberg, Osmond, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 14, 1922, from the State of Nebraska into the State of Iowa, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From L. E. Eirenberg Osmond Neb."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 66, or 6.1 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, heavy blood rings, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On September 25, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11886. Adulteration and misbranding of sauerkraut. U. S. v. W. H. Killian Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17531. I. S. Nos. 237-v, 238-v, 319-v, 1540-v, 2134-v, 2589-v.)

On September 28, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. H. Killian Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments between the dates of November 18 and December 11, 1922, from the State of Maryland into the States of New Jersey, Pennsylvania, Rhode Island, and New York, respectively, of quantities of sauerkraut which was adulterated and misbranded. The article was labeled in part: (Can) "Killian's Quality * * * Sauer Kraut * * * Packed By W. H. Killian Co. Baltimore, U. S. A."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it contained excessive brine.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for sauerkraut, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Sauer Kraut," borne on the cans containing the article, regarding the said article

and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article consisted wholly of sauerkraut, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of sauerkraut, whereas, in truth and in fact, it did not consist wholly of sauerkraut but did consist in part of excessive brine.

On September 28, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11887. Adulteration of oranges. U. S. v. 372 Boxes of Oranges. Product ordered sold. Default decree entered forfeiting proceeds. (F. & D. No. 17544. I. S. No. 1145-v. S. No. E-4403.)

On May 22, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 372 boxes of oranges, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by W. E. Lee & Co., Inc., from Lake Garfield, Fla., on or about May 1, 1923, and transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Good Nature Oranges * * * W. E. Lee * * * Plant City, Fla. Valencia Golden Contents 1½ Bushel."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, inedible, tree-dried oranges, had been substituted in whole or in part for oranges, which the product purported to be.

On June 1, 1923, the product was sold by the United States marshal as perishable property, and on September 6, 1923, no claimant having appeared, a decree of the court was entered forfeiting the proceeds of the sale to the Government.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11888. Adulteration of shell eggs. U. S. v. Farmers Union Cooperative Assoc., a Corporation. Plea of guilty. Fine, \$5. (F. & D. No. 17600. I. S. No. 3852-v.)

On August 24, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Union Cooperative Assoc., a corporation, Carroll, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 6, 1922, from the State of Nebraska into the State of Iowa, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Farmers Union Co-Op. Assn. Carroll, Nebr."

Examination by the Bureau of Chemistry of this department of 900 eggs from the consignment showed that 112, or 12.44 per cent of those examined, were inedible eggs, consisting of black rots, spot rots, mixed rots, moldy eggs, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On September 25, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11889. Adulteration of grapefruit. U. S. v. 1 Carload of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17840. I. S. No. 785-v. S. No. E-4500.)

On October 1, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 carload of grapefruit at Philadelphia, Pa., consigned by F. C. Armstrong, Palmetto, Fla., alleging that the article had been shipped from Palmetto, Fla., on or about September 27, 1923, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "I. E. Springstead & Son Palmetto, Fla. Lion Brand Contents 1 3/5 Bushel."

Adulteration of the article was alleged in the libel for the reason that immature grapefruit, artificially colored, had been mixed and packed with and

substituted for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby damage or inferiority was concealed.

On October 20, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11890. Adulteration and misbranding of Wood's concentrated sweetener. U. S. v. 5 1-Pound Cans, et al., of Wood's Concentrated Sweetener. Decrees entered ordering destruction of the product. (F. & D. Nos. 13032, 13033. I. S. Nos. 251-t, 3629-t. S. Nos. C-2035, C-2037.)

On July 14, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 15 cans of concentrated sweetener, remaining in the original unbroken packages in part at Greenville and in part at Yazoo City, Miss., alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis Mo., on or about July 3, 1920, and transported from the State of Missouri into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Wood's Special Concentrated Sweetener 500-500 Soluble in Cold Water Not Sold As A Drug * * * 1 Lb. Net W. B. Wood Mfg. Co. St. Louis, Mo."

Adulteration of the article was alleged in the libels for the reason that saccharin had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, saccharin, which rendered it injurious to health.

Misbranding was alleged for the reason that the statement, "Special Concentrated Sweetener 500," was false and misleading and deceived and misled the purchaser, in that the article was represented as being 500 times sweeter than sugar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinct name of another article.

On November 8, 1922, the owner of 5 cans of the product having consented to the entry of a decree, judgment of the court was entered finding the said 5 cans of the article to be misbranded and ordering its destruction by the United States marshal. On January 4, 1923, no claimant having appeared for the remaining 10 cans of the product, a decree of the court was entered finding the said cans of the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11891. Misbranding of Dr. Locock's cough elixir. U. S. v. 4 Bottles of Dr. Locock's Cough Elixir. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15617. S. No. C-3318.)

On November 25, 1921, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 bottles of Dr. Locock's cough elixir at Biloxi, Miss., alleging that the article had been shipped by I. L. Lyons & Co., New Orleans, La., on or about September 11, 1919, and transported from the State of Louisiana into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle, English) "Whooping Cough, Pains in the Breast with difficulty of Breathing, Asthma, Croup, Hoarseness, Information [Inflammation] of the Lungs * * * and Catarrhal Affections. * * * hastens the cure," (French, Spanish, and German) "For Whooping Cough * * * hastens the cure;" (carton, English) "For * * * Whooping Cough, Pains in the Breast with difficulty of Breathing, Asthma, Croup, Hoarseness, Inflammation of the Lungs * * * and Catarrhal Affections. This celebrated preparation is singularly efficacious as a reliable [remedial] agent for all affections of the Chest, Lungs, and Air passages. For the cure of Coughs, Colds, Sore Throat, Hoarseness and Oppression of the Chest, Cold in the Head, Dryness of the Throat, etc., it is unsurpassed," (German) "For * * * Whooping Cough, Pains in the Breast with difficulty of Breathing, Asthma, Blood-spitting, Quinsy, Hoarseness, Inflamma-

tion of the Lungs, Pneumonia * * * Pains in the Joints, Bones or Muscles, acute Rheumatism and Consumption."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs including ipecac and squill, small amounts of morphine and acetic acid, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11892. Misbranding and alleged adulteration of tea. U. S. v. 58 Cans and 84 Cans of Tea. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 15776. I. S. Nos. 3370-t, 3371-t. S. No. C-3451.)

On March 25, 1922, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 58 cans and 84 cans of tea at Vicksburg, Miss., alleging that the article had been shipped by the Bohea Importing Co., from Baltimore, Md., on or about October 15, 1921, and transported from the State of Maryland into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "King George * * * Flowery Orange Pekoe Ceylon-India Tea Bohea Importing Co. Baltimore, U. S. A. * * * $\frac{1}{4}$ Pound Net Weight When Packed." The remainder of the article was labeled in part: "Elk's Delight * * * Extra Choice Blended Tea Bohea Importing Co. Sole Selling Agents * * * Quarter Pound Full Weight."

Adulteration was alleged in the libel with respect to the King George tea for the reason that a grade or grades of tea other than Flowery Orange Pekoe tea had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements appearing on the labels of the respective brands of the article, "Flowery Orange Pekoe * * * $\frac{1}{4}$ Pound Net Weight When Packed" and "Quarter Pound Full Weight," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 8, 1922, the owner of the property having consented to the entry of a decree, judgment of the court was entered finding the product to be misbranded and ordering its condemnation, forfeiture, and destruction.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11893. Adulteration of canned salmon. U. S. v. 160 Cases, et al., of Canned Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16709, 16710, 16711, 16712. S. Nos. C-3749, C-3751, C-3752.)

On August 11, 1922, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 724 cases of salmon, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by P. E. Harris & Co., Seattle, Wash., in part on or about January 4 and in part on or about February 8, 1922, and transported from the State of Washington into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Pal Brand Superior Firm Flake Chum Alaska Salmon * * * Packed * * * By Central Alaska Fisheries * * * Drier Bay, Prince William Sound, Alaska." The remainder of the said article was labeled in part: (Can) "Amelia Brand Chum Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 15, 1923, no claimant having appeared for the property and an order having been theretofore entered providing for the confiscation and forfeiture of the product, judgment of the court was entered ordering that the said product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11894. Adulteration of canned salmon. U. S. v. 550 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17354. I. S. No. 6026-v. S. No. C-3929.)

On March 17, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 550 cases of salmon, remaining in the original unbroken packages at Hattiesburg, Miss., alleging that the article had been shipped by the Seaboard Co., from Seattle, Wash., on or about November 16, 1921, and transported from the State of Washington into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Kay-Square Brand * * * Select Pink Salmon * * * Kenai Packing Co, Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 8, 1923, no claimant having appeared for the property, a decree of the court was entered adjudging the product to be subject to condemnation and forfeiture, and it was ordered by the court that it be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11895. Misbranding of tankage. U. S. v. Jacob E. Decker & Sons, a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 17410. I. S. No. 5408-v.)

On May 18, 1923, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob E. Decker & Sons, a corporation, Mason City, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 18, 1922, from the State of Iowa into the State of Minnesota, of a quantity of tankage which was misbranded. The article was labeled in part: (Sack) "100 Lbs. Net Decker's Protofod Sterilized Digester Tankage Guaranteed Analysis Protein 60% * * * Jacob E. Decker & Sons Mason City, Iowa."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 52.22 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 60%," borne on the sacks containing the article, regarding the said article and the ingredients and substances therein, was false and misleading, in that it represented that the said article contained not less than 60 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein, whereas, in truth and in fact, it contained approximately 52.22 per cent of protein.

On June 26, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11896. Adulteration and misbranding of evaporated apples. U. S. v. 665 Cases, et al., of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17546. I. S. Nos. 5548-v, 5549-v, 5550-v. S. No. C-3986.)

On May 29, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 665 cases, 40 cases, and 180 cases of evaporated apples at Minneapolis, Minn., alleging that the article had been shipped by E. B. Holton, Webster, N. Y., April 6, 1923, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously, in part: (Cases) "25 Lbs. Evaporated Apples 2630 Choice Daisy Brand Ring Packed

By E. B. Holton, Webster N. Y.," "25 Lbs. Evaporated Apples 2631 Fancy Sunset Brand Ring Packed By E. B. Holton, Webster, N. Y.;" "25 Lbs. Evaporated Apples Fancy Knox Brand Ring 2632 Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength and in that insufficiently evaporated apples had been substituted for the said article.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Evaporated Apples," was false and misleading and deceived and misled the purchaser.

On June 23, 1923, the Fist Brokerage Co., of Minneapolis, Minn., having appeared as claimant for the property as agent for E. B. Holton, Webster, N. Y., and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11897. Adulteration and alleged misbranding of pickles. U. S. v. 32 Cases of Sweet Pickles and 29 Cases of Sour Pickles. Default decree ordering destruction of the products. (F. & D. No. 17547. I. S. Nos. 6819-v, 6820-v. S. No. C-3987.)

On June 2, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 32 cases of sweet pickles and 29 cases of sour pickles, remaining in the original unbroken packages at Hattiesburg, Miss., alleging that the articles had been shipped by the Adam Bros. Co., from New Orleans, La., on or about November 22, 1922, and transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Bottles) "Mother Hubbard Brand * * * Contents 6½ Fl. Oz. Sweet Pickles Packed By Adam Brothers Co. New Orleans, La. & Houston, Texas. Contains 1/10 of 1% Benzoate Of Soda;" "Mother Hubbard Brand * * * Contents 6½ Fl. Oz. Sour Pickles Packed By Adam Brothers Co. New Orleans, La. & Houston, Texas."

Adulteration was alleged with respect to the sweet pickles for the reason that saccharin had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted wholly or in part for sugar. Adulteration was alleged for the further reason that the said sweet pickles contained an added poisonous or deleterious ingredient which would render said article injurious to health.

Misbranding was alleged with respect to the sour pickles for the reason that the statement, "6½ Fl. Oz.," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 20, 1923, no claimant having appeared for the property, it having appeared to the court that the products were adulterated, it was ordered by the court that they be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11898. Adulteration and misbranding of flour. U. S. v. 610 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17666. I. S. No. 8426-v. S. No. W-1395.)

On July 25, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 610 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Hustler Flour Mills, from Salt Lake City, Utah, on June 26, 1923, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sack) "Ranier Fancy Patent Flour * * * Bleached 98 Lbs. Net * * * When Packed."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Lbs. Net * * * When Packed," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1923, Moore-Ferguson & Co., copartners, San Francisco, Calif., claimants, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11899. Adulteration of canned sardines. U. S. v. 17 Cases and 8 Cases of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17771, 17772. I. S. Nos. 2771-v, 2773-v. S. Nos. E-4483, E-4484.)

On September 10, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 25 cases of sardines, remaining in the original unbroken packages at Philadelphia, Pa., consigned in part by the Columbian Canning Co., Lubec, Me., alleging that the article had been shipped from Lubec, Me., in part on or about August 1, 1923, and in part on or about August 11, 1923, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Champion Brand American Sardines In Cotton Seed Oil Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On October 1, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11900. Adulteration of sage. U. S. v. 6 Barrels of Ground Sage and 5½ Barrels of Sage. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15761, 16102. I. S. Nos. 13074-t, 23401-t. S. Nos. C-3449, C-3515.)


On March 9 and April 18, 1922, respectively, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 6 barrels of ground sage and 5½ barrels of sage, remaining in the original unbroken packages at Memphis, Tenn., alleging that the article had been shipped by the St. Louis Coffee & Spice Mills, from East St. Louis, Ill., in part on or about December 23, 1921, and in part on or about February 27, 1922, and transported from the State of Illinois into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "179 Lbs. Net From St. Louis Coffee & Spice Mills, St. Louis, Mo." The remainder of the said article was labeled in part: "Rubbed Sage From St. Louis Coffee & Spice Mills, St. Louis, Mo."

Adulteration of the article was alleged in the libels for the reason that sand and dirt had been mixed and packed with and substituted wholly or in part for the said article.

On March 28, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11901-11950.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 24, 1924.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11901. Adulteration of canned stringless beans. U. S. v. 60 Cases of Canned Stringless Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16196. I. S. No. 15608-t. S. No. E-3857.)

On May 1, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cases of canned stringless beans, remaining unsold in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped by the W. H. Killian Co., Baltimore, Md., on or about March 7, 1922, and transported from the State of Maryland into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Killian's Kuality * * * Cut Green Stringless Beans * * * W. H. Killian Co."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy vegetable and animal substance.

On October 18, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11902. Adulteration of chloroform. U. S. v. 10 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16477. S. No. E-3992.)

On July 13, 1922, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 tins of chloroform, at Panama City, Fla., alleging that the article had been shipped from New York, N. Y., on or about June 8, 1922, and transported from the State of New York into the State of Florida, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia.

On December 11, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11903. Misbranding of Knoxit globules. U. S. v. 2½ Dozen Bottles of Knoxit Globules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16767. I. S. No. 4384-v. S. No. C-3747.)

On August 24, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2½ dozen bottles of Knoxit globules, remaining unsold in the original containers at Memphis, Tenn., alleging that the article had been shipped by W. L. DeWoody & Co., Pine Bluff, Ark., on or about July 5, 1922, and transported from the State of Arkansas into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of copaiba, santal and cassia oils, and a small quantity of a sulphonated oil.

It was alleged in substance in the libel that the article was misbranded in that certain statements appearing on the labels of the bottles and cartons containing the said article and in the accompanying circular, regarding its curative and therapeutic effects, falsely and fraudulently represented it to be a remedy for gonorrhea and gleet, that it was especially prepared with a view of not only being used for gonorrhea but to act gently and effectively upon the kidneys and bladder, that it would reach the disease through the kidneys and bladder, that it would heal the mucous membranes, and that if in good condition satisfactory results would be obtained within reasonable time, whereas, in truth and in fact, the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11904. Adulteration and misbranding of minced clams. U. S. v. 272 Cases of Canned Clams and 263 Cases of Minced Clams. Decree ordering release of product under bond. (F. & D. Nos. 17199, 17323. I. S. Nos. 8322-v, 8348-v. S. Nos. W-1295, W-1338.)

On February 1 and March 6, 1923, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 535 cases of canned clams, at Tacoma, Wash., alleging that the article had been shipped by the Polar Fisheries Co., from Snug Harbor, Alaska, in various consignments, namely, June 25, August 16, and September 11, 1922, respectively, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "10 Oz. Net Contents Far-North Ocean Clams (Minced) * * * Packed By Polar Fisheries Co. Alaska."

Adulteration of the article was alleged in the libels for the reason that excessive brine or liquor had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Clams (Minced)," was false and misleading and deceived and misled the purchaser.

On May 29 and June 11, 1923, the Polar Fisheries Co., Seattle, Wash., and the Younglove Grocery Co., Tacoma, Wash., having theretofore appeared as claimants for respective portions of the property and having taken it down under bond to be relabeled, decrees of the court were entered discharging the bonds and ordering the delivery of the property to the respective claimants.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11905. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17276. I. S. No. 3406-v. S. No. E-4305.)

On or about February 12, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 300 sacks of cottonseed meal, remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Buckeye Cotton Oil Co., from Macon, Ga., on or about January 17, 1923, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "100 Lbs. Net Buckeye Good Cottonseed Meal Manufactured By The Buckeye Cotton Oil Co. * * * Macon, Ga. * * * Guarantee Protein 36.00% * * * Ammonia 7.00%."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (ammonia) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was labeled, "Good Cottonseed Meal * * * Guarantee Protein 36.00% * * * Ammonia 7.00%," which statements were false and misleading and deceived and misled the purchaser, since the article was deficient in protein (ammonia). Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On February 26, 1923, the Buckeye Cotton Oil Co., Macon, Ga., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11906. Adulteration and misbranding of canned salmon. U. S. v. 472 Cases and 315 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17291. I. S. Nos. 6103-v, 6108-v. S. Nos. C-3895, C-3897.)

On February 16, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 472 cases of Inventor brand salmon and 315 cases of Blanchard brand salmon, remaining unsold in the original containers at Memphis, Tenn., alleging that the article had been shipped by the Hidden Inlet Canning Co., from Seattle, Wash., on or about December 6, 1922, and transported from the State of Washington into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Inventor Brand * * * Alaska Chum Salmon Packed By Hidden Inlet Canning Co. Main Office: Seattle * * * Contents 1 Lb. Fresh Salmon Cooked In Can After Sealing." The remainder of the said article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclere, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged with respect to the Inventor brand salmon for the reason that the statement appearing in the labeling, "Fresh Salmon," was false and misleading and deceived and misled the purchaser thereof in that the said product was composed in whole or in part of a decomposed, filthy, and putrid animal substance.

On July 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11907. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 17714. I. S. No. 532-v. S. No. E-4468.)

On August 17, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 tubs of butter, remaining unsold in the original un-

broken packages at New York, N. Y., alleging that the article had been shipped by the Jesup Creamery Co., Jesup, Iowa, June 25, 1923, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat and containing excessive moisture had been mixed and packed with and substituted in part for the said article.

Misbranding of the article was alleged for the reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On September 28, 1923, the Phenix Cheese Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$650, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed to the satisfaction of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11908. Adulteration of grapefruit. U. S. v. 360 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17845. I. S. No. 784-v. S. No. E-4499.)

On October 2, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 360 boxes of grapefruit, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by F. C. Armstrong, Palmetto, Fla., on or about September 27, 1923, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "I. E. Springstead & Son Palmetto, Fla. Lion Brand."

Adulteration of the article was alleged in the libel for the reason that immature grapefruit, artificially colored, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration of the article was alleged for the further reason that it had been colored in a manner whereby damage or inferiority was concealed.

On October 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11909. Adulteration of shell eggs. U. S. v. 242 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17864. I. S. No 17527-v. S. No. C-4126.)

On or about September 27, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 242 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the M. J. Power Co., in various consignments, namely, from Madison and Marshfield, Wis., and Yankton, S. Dak., respectively, between the dates of June 8 and July 3, 1923, and transported from the States of Wisconsin and South Dakota, respectively, into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On October 1, 1923, M. J. Power & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11910. Misbranding of lemon filling and adulteration and misbranding of raspberry preserve. U. S. v. Adolph L. Seidel, Louis Seidel, and Walter F. Seidel (Ad. Seidel & Sons). Pleas of guilty. Fine, \$100. (F. & D. No. 14993. I. S. Nos. 2063-t, 2065-t.)

On January 14, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolph L. Seidel, Louis Seidel, and Walter F. Seidel, copartners, trading as Ad. Seidel & Sons, Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Illinois into the State of Indiana, on or about November 1, 1920, of a quantity of lemon filling which was misbranded, and on or about January 26, 1921, of a quantity of raspberry preserve which was adulterated and misbranded. The articles were labeled in part: (Lemon filling) "100% Brand Dry Lemon Filling A delicious filling for Pies, Tarts, Layer Cakes * * * Prepared By Ad. Seidel & Sons * * * Chicago, U. S. A.;" (raspberry preserve) "Contains 30 Lbs. Net 100% Brand Fruit Preserve Raspberry * * * Manufactured Ad Seidel & Sons * * * Chicago, U. S. A."

Analysis of a sample of the lemon filling by the Bureau of Chemistry of this department showed that it was a powdered mixture of cornstarch, sugar, and tartaric acid, with a faint flavor suggesting lemon oil. Analysis of a sample of the raspberry preserve by said bureau showed that it was an artificially colored jam-like mixture containing raspberry fruit with cane sugar, added glucose, and phosphoric acid.

Adulteration of the raspberry preserve was alleged in the information for the reason that glucose in excess of 4 per cent, the amount the article purported to contain, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality, for the further reason that glucose, in excess of the labeled proportion, and phosphoric acid, not mentioned in the labeling, had been substituted in part for the said article, and for the further reason that an artificial coloring, to wit, amaranth, had been mixed therewith so as to color the said article in a manner whereby its damage and inferiority were concealed.

Misbranding of the raspberry preserve was alleged for the reason that the statement, to wit, "100% Brand Fruit Preserve Raspberry," borne in prominent type on the package containing the article, not corrected by the statement in inconspicuous type, to wit, "Contains 50% Prime Quality Fruit 46% Sugar 4% Glucose," borne and labeled on the said package, was false and misleading in that it represented that the article was 100 per cent raspberry fruit preserves, whereas it was not but was an article containing glucose, greatly in excess of 4 per cent, and was artificially colored and contained phosphoric acid.

Misbranding of the lemon filling was alleged for the reason that the statements, "100% Brand Dry Lemon Filling A delicious filling for Pies," borne on the packages containing the article, were false and misleading in that they represented the article to be lemon pie filling, to wit, an article containing, among other ingredients, lemon juice and eggs, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained, among other ingredients, lemon juice and eggs, whereas, in truth and in fact, it contained neither eggs nor lemon juice. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 20, 1923, pleas of guilty to the information were entered by the defendants, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11911. Misbranding of Craemer's celebrated compound. U. S. v. 11 Bottles of Craemer's Celebrated Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16446. I. S. No. 3603-t. S. No. C-3658.)

On June 20, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 bottles of Craemer's celebrated compound, at St. Paul, Minn., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., April 12, 1922, and transported from the State of Missouri into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an aqueous solution of sodium, potassium, ammonium, and lithium phosphate, citrate, salicylate, and chloride and extract of ginger, sweetened with saccharin and colored with caramel.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the label of the bottle containing the article and on the carton enclosing the said bottle, "For * * * Gall Stones, Stones in the Kidneys, Stones in the Urinary Bladder, Liver, Kidney, Bladder, Stomach and Bowel Complaints * * * Thickened Bile, Bilious Colic * * * Sallow Complexion, Dizziness, Renal or Kidney Colic * * * Painful Urination, Loss of Appetite," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11912. Adulteration of canned tomatoes. U. S. v. 26 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16552. I. S. No. 4321-t. S. No. C-3683.)

On July 3, 1922, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 26 cases of tomatoes, remaining unsold in the original unbroken packages at Murphysboro, Ill., consigned by the Rosen-Reichardt Brokerage Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about March 9, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. C. C. Brand * * * Tomatoes * * * Contents 1 Lb. 3 Oz."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On February 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11913. Adulteration of chloroform. U. S. v. 20 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16633. I. S. No. 10326-v. S. No. W-1158.)

On July 18, 1922, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cans of chloroform, remaining in the original unbroken packages at Oakley, Idaho, alleging that the article had been shipped from New York, N. Y., on or about March 15, 1922, and transported from the State of New York into the State of Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Poison $\frac{1}{4}$ Pound Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained impurities decomposable by sulphuric acid, odorous decomposition products, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia, official at the time of the investigation, and no standard of strength, quality, or purity different from that established by said Pharmacopœia was stated on the said cans.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11914. Misbranding of Orange Blossom female suppositories. U. S. v. 93 Boxes of Orange Blossom Female Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16653. S. No. C-3713.)

On July 24, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on September 11, 1922, an amended libel, praying the seizure and condemnation of 93 boxes of Orange Blossom female suppositories, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Williams Mfg. Co., from Cleveland, Ohio, May 20, 1922, and transported from the State of Ohio into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "For Diseases Peculiar To Women * * * Female Weakness * * * In cases of Pregnancy, the Suppositories may be safely used up to the fourth month * * * consequently relieving the patient of much suffering at child-birth. In cases of Change of Life, the Suppositories will relieve the organ of the morbid conditions * * * Nervous sick headache, backache, irritation of the stomach, spinal irritation, pain between the shoulders, distressing sensation in the back of the head, nape of the neck, and numbness and coldness of the extremities. In these cases the Suppositories will give relief by their action on the womb. * * * For * * * Inflammation, Congestion and Falling of the Womb, Anteversion, Retroversion and Prolapsus, Ulceration, Leucorrhoea, Profuse and Difficult Menstruation."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the suppositories consisted essentially of cocoa butter, petrolatum, boric acid, sodium sulphate, and a little flour.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11915. Adulteration of canned salmon. U. S. v. 97 Cases and 90 Cases of Canned Salmon. Default orders of condemnation, forfeiture, and destruction. (F. & D. Nos. 16654, 16655. S. No. C-3719.)

On July 25, 1922, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 187 cases of canned salmon, remaining in the original and unbroken packages at Laurel, Miss., alleging that the article had been shipped by P. E. Harris & Co., from Seattle, Wash., on or about February 19, 1922, and transported from State of Washington into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Amelia Brand * * * Chum Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 15, 1923, orders having been theretofore entered providing for the confiscation and forfeiture of the product, it was ordered by the court that the said product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11916. Adulteration of oranges. U. S. v. 16 Boxes of Oranges. Decree entered ordering destruction of product. (F. & D. No. 17329. I. S. No. 1364-v. S. No. E-4322.)

On March 8, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 boxes of oranges, consigned February 25, 1923, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Standard Growers Exchange, from Savannah, Ga., and transported from the State of Georgia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that an inedible product, to wit, dry oranges, had been substituted in whole or in part for an edible product, to wit, juicy oranges, which the article purported to be.

On March 16, 1923, no claimant having appeared for the property, a decree of the court was entered ordering the destruction of the product.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11917. Adulteration of oranges. U. S. v. 21 Boxes of Oranges. Decree entered ordering release of good portion and destruction of remainder. (F. & D. No. 17330. I. S. No. 1365-v. S. No. E-4323.)

On March 8, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 boxes of oranges, remaining in the original unbroken packages at Baltimore, Md., consigned February 24, 1923, alleging that the article had been shipped by the Arcadia Citrus Growers Exchange, from Achan, Fla., and transported from the State of Florida into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "96 Russet Invincible Brand Arcadia Citrus Growers Assn. Arcadia, Florida;" (tissue wrapper) "Trade Mark Sealdsweet Registered."

Adulteration of the article was alleged in the libel for the reason that an inedible product, to wit, dry oranges, had been substituted in whole or in part for an edible product, to wit, juicy oranges, which the said article purported to be.

On March 16, 1923, the Florida Citrus Exchange having appeared as claimant for the property and admitted the allegations in the libel, and the product having been theretofore sorted and 17 boxes having been found to meet the requirements of law, it was ordered by the court that the said 17 boxes be released, that the balance be destroyed, and that the claimant pay the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11918. Adulteration and alleged misbranding of screenings. U. S. v. 49,720 Pounds of Screenings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17535. I. S. No. 6666-v. S. No. C-3980.)

On May 18, 1923, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49,720 pounds, more or less, of screenings, remaining unsold in the original and unbroken packages at East St. Louis, Ill., consigned by the Armour Grain Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about February 21, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that mineral matter of the nature of sand, to wit, 40 per cent of fine sand, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding of the article was alleged for the reason that the designation, "screenings," was false and misleading, and for the further reason that it was sold under the distinctive name of another article.

On June 23, 1923, the Midwest Flour & Feed Co., East St. Louis, Ill., having appeared as claimant for the property, a decree of the court was entered adjudging the product to be adulterated and liable to condemnation and forfeiture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11919. Adulteration of canned sardines. U. S. v. 15 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17711. I. S. No. 2625-v. S. No. E-4465.)

On August 16, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 15 cases of sardines, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Columbian Canning Co., Lubec, Me., alleging that the article had been shipped from Lubec, Me., on or about July 9, 1923, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Vender Brand American Sardines In Cottonseed Oil Packed By Columbian Canning Co. Lubec Washington Co., Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11920. Misbranding and alleged adulteration of cottonseed meal. U. S. v. Southern Cotton Oil Co., a Corporation. Plea of guilty to misbranding charge. Fine, \$25. Demurrer sustained as to adulteration charge. (F. & D. No. 14347. I. S. Nos. 11089-r, 12012-r.)

On May 9, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southern Cotton Oil Co., a corporation, trading at Little Rock, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 2, 1919, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal which was misbranded, and on or about December 24, 1919, from the State of Arkansas into the State of Michigan, of a quantity of cottonseed meal which was alleged to have been adulterated. The product involved in the consignment of July 2, 1919, into Kansas was labeled in part: (Tag) "'Chic-Homa Quality' Cotton Seed Meal or Cake * * * Guaranteed Analysis Protein, Not less than 41%." The product involved in the remaining consignment was billed as 7 per cent "C S Meal" and was represented by the consignor as 7 per cent ammonia cottonseed meal.

Analyses of samples of the article from the consignment of July 2, 1919, by the Bureau of Chemistry of this department showed that it contained approximately 39.75 per cent of crude protein. Analyses of samples of the article from the remaining consignment by said bureau showed that it contained 6.63 per cent of ammonia.

Adulteration of the product involved in the consignment of December 24, 1919, into Michigan was alleged for the reason that a cottonseed meal of less than 7 per cent of ammonia had been substituted in whole and in part for cottonseed meal of 7 per cent ammonia, which the article purported to be.

Misbranding of the product involved in the consignment of July 2, 1919, into Kansas was alleged for the reason that the statement, to wit, "Guaranteed Analysis Protein, Not less than 41%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 41 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, whereas, in truth and in fact, it did contain less than 41 per cent of protein, to wit, 39.75 per cent of protein.

On June 23, 1923, a demurrer having been filed to both counts of the information, which was overruled with respect to the second count involving the misbranding charge, a plea of guilty to the second count was entered, and the court imposed a fine of \$25. The demurrer was sustained as to the first count, involving the adulteration charge.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11921. Adulteration of cumin seed. U. S. v. 3 Bags of Cumin Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15742. I. S. No. 13465-t. S. No. C-3377.)

On December 21, 1921, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 bags of cumin seed, at Wichita, Kans., alleging that the article had been shipped by the J. H. Forbes Tea & Coffee Co., from St. Louis, Mo., on or about November 21, 1921, and transported from the State of

Missouri into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On August 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11922. Misbranding of mixed feed. U. S. v. Arkadelphia Milling Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 16849. I. S. No. 12794-t.)

On February 1, 1923, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Arkadelphia Milling Co., a corporation, Arkadelphia, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 13, 1922, from the State of Arkansas into the State of Texas, of a quantity of mixed feed which was misbranded. The article was labeled in part: "Clover Blossom Mixed Feed * * * Manufactured by Arkadelphia Milling Company Arkadelphia, Arkansas."

Examination of the article by the Bureau of Chemistry of this department showed that it contained wheat middlings and possibly some bran, with screenings, rice bran and hull tissues, and broken rice; it contained no hominy feed. Analysis of a sample of the article by said bureau showed that it contained 12.59 per cent of crude protein and 11.57 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Composed of Wheat Gray Shorts, Rice Bran, Hominy Feed" and "Guaranteed Analysis: Crude Protein not less than 14.00 Per Cent * * * Crude Fiber not more than 8.00 Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was composed only of wheat gray shorts, rice bran, and hominy feed, and contained not less than 14 per cent of crude protein and not more than 8 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed only of wheat gray shorts, rice bran, and hominy feed, and contained not less than 14 per cent of crude protein and not more than 8 per cent of crude fiber, whereas, in truth and in fact, it was not composed only of wheat gray shorts, rice bran, and hominy feed but contained no hominy feed and contained less than 14 per cent of crude protein, to wit, approximately 12.59 per cent, and contained more than 8 per cent of crude fiber, to wit, approximately 11.57 per cent.

On October 22, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11923. Adulteration of walnut meats. U. S. v. 10 Boxes of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17261. I. S. No. 8274-v. S. No. W-1313.)

On February 13, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 boxes of walnut meats, remaining in the original unbroken packages at Spokane, Wash., consigned by the Sanitary Nut Shelling Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about December 18, 1922, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Dark Amber 50 Lbs. Net Order Of Sanitary Nut Shelling Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On November 20, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11924. Adulteration and misbranding of canned corn. U. S. v. 325 Cases of Canned Corn. Default decree entered ordering product sold for stock feed. (F. & D. No. 17501. I. S. No. 3432-v. S. No. E-4384.)

On May 14, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 325 cases of canned corn, at Jacksonville, Fla., alleging that the article had been shipped by C. W. Baker & Sons, from Middletown, Del., on or about October 19, 1922, and transported from the State of Delaware into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Morning Star * * * Sugar Corn."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, scrapings from corncobs, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that the article consisted in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was labeled, "Sugar Corn," and bore a design showing whole ears of corn, which said statement and design were false and misleading and deceived and misled the purchaser, since the said article consisted in part of corncob scrapings. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, sugar corn.

On November 3, 1923, no claimant having appeared for the property, a decree of the court was entered adjudging the product to be subject to condemnation and ordering that it be sold for stock feed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11925. Adulteration of evaporated apples. U. S. v. 269 Boxes of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 17548. I. S. No. 9633-v. S. No. C-3988.)

On May 29, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 269 boxes of evaporated apples, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the C. C. Hall Co., from Brighton, N. Y., March 9, 1923, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, incompletely evaporated apples, had been substituted wholly or in part for the said article.

On November 14, 1923, the C. C. Hall Co., Brighton, N. Y., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11926. Adulteration and misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17553. I. S. No. 9002-v. S. No. E-4406.)

On June 4, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of cottonseed meal, at Greenfield, Mass., alleging that the article had been shipped by the Buckeye Cotton Oil Co., from Indianapolis, Ind., on or about March 20, 1923, and transported from the State of Indiana into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in protein and containing excessive crude fiber had been

mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was labeled, "Paramount Brand * * * Good Cotton Seed Meal Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% * * * Crude Fibre (maximum) 14.00% * * * Ingredients: Made from upland cotton seed," which statements were false and misleading and deceived and misled the purchaser in that they represented that the said article was cottonseed meal containing not less than 36 per cent of protein and not more than 14 per cent of crude fiber, whereas, in truth and in fact, it was a product containing less than 36 per cent of protein and more than 14 per cent of crude fiber. Misbranding was alleged for the further reason that the article was a product low in protein and containing excessive crude fiber and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed meal.

On November 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11927. Adulteration and misbranding of cottonseed meal. U. S. v. 200 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17583. I. S. No. 436-v. S. No. E-4413.)

On July 2, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of cottonseed meal, at Poughkeepsie, N. Y., consigned on or about January 6, 1923, alleging that the article had been shipped by J. B. Lovitt & Co., Greenwood, Miss., and transported from the State of Mississippi into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sun Brand Cotton Seed Meal * * * Guaranteed Analysis Protein 36.00% * * * Crude Fibre 15.00% * * * Equivalent Nitrogen 5.75% Made from Pressed Cottonseed."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (nitrogen) and containing excessive crude fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the following statements regarding the article and the ingredients and substances contained therein, "Cotton Seed Meal * * * Guaranteed Analysis Protein 36.00% * * * Crude Fibre 15.00% * * * Equivalent Nitrogen 5.75% Made from Pressed Cottonseed," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 26, 1923, Wm. T. Reynolds & Co., Inc., Poughkeepsie, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department as "Cottonseed Feed," with a statement of the composition, "Protein 33 per cent, Crude Fibre 16 per cent, Equivalent Nitrogen 5.28 per cent," and that the statement, "Made from Pressed Cottonseed," be entirely eliminated.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11928. Adulteration and misbranding of olive oil. U. S. v. 1 Barrel of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17588. I. S. No. 10601-v. S. No. E-4410.)

On June 23, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 barrel of olive oil, remaining in the original unbroken package at Lynn, Mass., alleging that the article had been shipped

by Mammoth Bros., or Marmarelli Bros. & Katramados, from New York, N. Y., on or about September 12, 1922, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (tag) "From Marmarelli Bros. & Katramados Importers Of Olive Oil * * * Italian, Greek and Oriental Products," and bore a design showing olive branches bearing olives, also a cut of two barrels with legend on head, "M. B. & K. Pure Olive Oil," and was invoiced as olive oil.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the product consisted of a mixture of cottonseed oil and olive oil, prepared in imitation of and sold and offered for sale under the distinctive name of another article, to wit, pure olive oil. Misbranding was alleged for the further reason that the article was labeled in part, "Importers Of Olive * * * Italian, Greek and Oriental Products," and bore a design showing olive-bearing branches, also a design of two barrels with inscription on head, "M. B. & K. Pure Olive Oil," which statements, designs, and devices were false and misleading and deceived and misled the purchaser in that they represented to purchasers that the said article was pure olive oil, whereas, in truth and in fact, it was not pure olive oil but was a product consisting of a mixture of cottonseed oil and olive oil.

On November 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11929. Adulteration and misbranding of butter. U. S. v. Lakeview Creamery, Inc., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17612. I. S. Nos. 8465-v, 10834-v.)

On September 21, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lakeview Creamery, Inc., a corporation, Lakeview, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about January 24 and March 5, 1923, respectively, from the State of Oregon into the State of Nevada, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was labeled in part: "Desert Brand Pasteurized Creamery Butter Net Weight 1 Pound." The remainder of the said article was labeled in part: "Lakeview Pasteurized Creamery Butter Net Weight One Pound, in Quarters Lakeview Creamery, Lakeview, Oregon."

Analysis of a sample of the Desert brand butter by the Bureau of Chemistry of this department showed that it was high in moisture and low in butterfat. Examination of both consignments of the article by said bureau showed that the packages averaged less than 1 pound net of butter.

Adulteration was alleged with respect to the Desert brand butter for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for creamery butter, which the article purported to be.

Misbranding was alleged with respect to the said Desert brand butter for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the said Desert brand, was false and misleading in that it represented that the article consisted wholly of creamery butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it consisted of a product deficient in milk fat and contained an excessive amount of moisture. Misbranding was alleged with respect to both brands of the said butter for the reason that the statement, to wit, "Net Weight One Pound," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas each of the said packages did not contain 1 pound net of butter but did

contain a less amount. Misbranding was alleged with respect to both brands of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 2, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11930. Adulteration of canned salmon. U. S. v. 4,162 Cases and 2,143 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13012, 13013, 13014, 13015, 13016. I. S. Nos. 2610-r, 2941-r. S. Nos. W-482, W-484.)

On July 8, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6,305 cases of salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the G. Batcheller Hall Co., from Seattle, Wash., in part on or about July 29 and in part on or about August 16, 1919, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "4 Doz. 1 Lb. Talls Sealect Brand Alaska Pink Salmon Packed In Alaska Valdez Packing Co. Distributed By G. Batcheller Hall Co. Seattle, Wash.;" (can) "Hall's Sealect Brand Pink Salmon." The remainder of the article was labeled in part: (Case) "A. P. U.;" part of the cans were unlabeled and the rest were labeled in part: "Bright Eye Brand Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11931. Misbranding of sour mixed pickles. U. S. v. 8 Cases of Sour Mixed Pickles. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15916. I. S. No. 14105-t. S. No. W-1039.)

On January 14, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of sour mixed pickles, at Denver, Colo., consigned by the California Packing Corp., San Jose, Calif., alleging that the article had been shipped from San Jose, Calif., on or about October 12, 1921, and transported from the State of California into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Del Monte Brand Quality * * * Net Weight 12 Oz. Drained Weight 8½ Oz. * * * Sour Mixed Pickles * * * California Packing Corporation * * * San Francisco California."

Misbranding of the article was alleged in the libel for the reason that the statements appearing on the tins containing the said article, to wit, "Net Weight 12 Oz. Drained Weight 8½ Oz.," were false and misleading and deceived and misled the purchaser in that the net weight of each of the said cans was less than 12 ounces and the drained weight was less than 8½ ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 30, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be correctly labeled and sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11932. Adulteration of walnut meats. U. S. v. 7 Boxes, et al., of Walnut Meats. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16345, 17203, 17205. I. S. Nos. 11012-t, 13916-t, 8157-v, 8159-v, 8160-v. S. Nos. W-1090, W-1297, W-1300.)

On May 25, 1922, and January 31, 1923, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district

libels praying the seizure and condemnation of 7 boxes and 11 cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Sanitary Nut Shelling Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., in various consignments, namely, on or about April 20, December 8 and 29, 1922, and January 4, 1923, respectively, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Dark 50 Lbs. Net From Sanitary Nut Shelling Co." The remainder of the article was labeled in part: "Order Of Sanitary Nut Shelling Co. * * * Dark Amber."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 23 and April 30, 1923, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11933. Adulteration and misbranding of flour. U. S. v. 250 Sacks and 100 Sacks of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 16447. I. S. Nos. 14209-t, 14210-t. S. Nos. W-1112, W-1113.)

On June 21, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 350 sacks of flour, at San Francisco, Calif., alleging that the article had been shipped by Mark P. Miller Milling Co., from Moscow, Idaho, June 3, 1922, and transported from the State of Idaho into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Mark P. Miller Milling Co. Millers Best Blue Stem Patent Flour Moscow, Idaho. Net Weight 98 Lbs. When Packed Blue Stem Patent Bleached." The remainder of the said article was labeled in part: "Park County Milling Company * * * Gateway Patent Flour Livingston, Mont. Bleached 98 Lbs. Net When Packed Gateway Patent Flour."

It was alleged in the libel that the article was adulterated in that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Lbs. Net When Packed," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 29, 1922, and September 27, 1923, respectively, the Mark P. Miller Milling Co., San Francisco, Calif., having appeared as claimant for the property and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate amount of \$2,675, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law, under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11934. Adulteration of canned salmon. U. S. v. 500 Cases of Angler Brand Pink Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16491. S. No. C-3673.)

On June 29, 1922, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 cases of Angler brand pink salmon, at San Antonio, Tex., alleging that the article had been shipped by P. E. Harris & Co., from Seattle, Wash., on or about October 11, 1921, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Angler * * * Alaska Salmon Choice Pink * * * One Pound Net Guaranteed * * * Distributed By P. E. Harris & Co. Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11935. Adulteration of canned salmon. U. S. v. 450 Cases of Repeater Brand Pink Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16650. S. No. C-3672.)

On July 20, 1922, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 450 cases of Repeater brand pink salmon, at San Antonio, Tex., alleging that the article had been shipped by the Bellingham Canning Co., from Bellingham, Wash., November 19, 1921, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Repeater Brand * * * Pink Salmon One Pound Net Guaranteed By P. E. Harris & Co. Packed in U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed, filthy, and putrid animal substance.

On April 20, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11936. Adulteration of walnut meats. U. S. v. 2 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17327. I. S. No. 11328-v. S. No. W-1342.)

On March 9, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Magnus Fruit Products Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about February 15, 1923, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dark Amber 50 Lbs. Net Magnus Fruit Prod. Co. * * * San Francisco, Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On April 30, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11937. Misbranding of apples. U. S. v. Paul McKercher. Plea of guilty. Fine, \$25. (F. & D. No. 16967. I. S. No. 11184-t.)

On April 13, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul McKercher, White Salmon, Wash., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 27, 1922, from the State of Washington into the State of Oregon, of a quantity of apples which were misbranded. The article was labeled in part: (Box) "Weight about 50 lbs. net when packed. Grown and Packed by Paul McKercher White Salmon, Wash."

Examination of the article by the Bureau of Chemistry of this department showed that the average net weight of 4 boxes was 40 pounds 12½ ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Weight about 50 lbs. net when packed," borne on the boxes containing the said article, was false and misleading in that the said statement represented that each of the boxes contained 50 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said boxes contained 50 pounds net of the article, whereas, in truth and in fact, each of said boxes did not contain 50 pounds net of the article but did contain a less

amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 21, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11938. Adulteration of walnut meats. U. S. v. 26 Boxes of Walnut Meats. Product released under bond to be reconditioned. (F. & D. No. 17345. I. S. No. 8287-v. S. No. W-1326.)

On or about March 10, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 26 boxes of walnut meats, at Spokane, Wash., consigned by Fred L. Mitchell & Son, Santa Ana, Calif., alleging that the article had been shipped on or about February 2, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Standard Amber Fred L. Mitchell & Son Walnut Meats Santa Ana California."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On September 29, 1923, the Hazelwood Co., Spokane, Wash., having therefore appeared as claimant and taken the property down under bond to be reconditioned, it was ordered by the court that the product be released and the bond discharged.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11939. Adulteration and misbranding of butter. U. S. v. 152 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17560. I. S. No. 4258-v. S. No. C-3994.)

On or about June 18, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 152 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Stanley Dairy & Warehouse Co., from Stanley, Wis., June 6, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1923, the Waskow Butter Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11940. Adulteration and misbranding of molasses feed. U. S. v. National Milling Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 16416. I. S. Nos. 9462-t, 9463-t.)

On January 29, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Milling Co., a corporation, Macon, Ga., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about

February 4, 1922, from the State of Georgia into the State of Florida, of quantities of molasses feed, a portion of which was misbranded and the remainder of which was adulterated and misbranded. A portion of the article was labeled in part: "100 Pounds Cavalry Molasses Feed From National Milling Company Macon, Georgia." The remainder of the article was labeled in part: "100 Pounds Rex Dairy Molasses Feed National Milling Company Macon, Georgia Average Analysis—Protein 10 Fat 4 Carbohydrates 55 Fibre 12."

Examination by the Bureau of Chemistry of this department of 10 sacks of the Cavalry feed and 10 sacks of the Rex dairy feed showed an average net weight of 98.28 and 97.13 pounds, respectively.

Adulteration was alleged in the information with respect to the Rex dairy feed for the reason that a substance low in fat and high in crude fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a substance low in fat and high in crude fiber had been mixed with the article in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged with respect to the Rex dairy feed for the reason that the statements, "Average Analysis * * * Fat 4 * * * Fibre 12," borne on the tags attached to the sacks containing the article, were false and misleading in that they represented that the said article contained 4 per cent of fat and not more than 12 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 4 per cent of fat and not over 12 per cent of fiber, whereas, in truth and in fact, the said article did contain less than 4 per cent of fat and more than 12 per cent of fiber.

Misbranding was alleged with respect to both brands of the article for the reason that the statement, to wit, "100 Pounds," borne on the tags attached to the sacks containing the article, was false and misleading in that the said statement represented that each of the said sacks contained 100 pounds of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds of the article, whereas, in truth and in fact, they did not but did contain a less quantity. Misbranding was alleged with respect to both brands of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 1, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11941. Misbranding of dairy feed. U. S. v. Hales & Hunter Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17801. I. S. No. 10456-v.)

At the November, 1923, term of the United States District Court within and for the Northern District of Illinois, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Hales & Hunter Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 5, 1923, from the State of Illinois into the State of Kentucky, of a quantity of dairy feed which was misbranded. The article was labeled in part: (Tag) "Gold Flake Dairy Feed Made By Hales & Hunter Co., Chicago, Ill. Guaranteed Analysis Protein 16.00 Per Cent Fat 3.50 Per Cent Fiber 15.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 10.54 per cent of protein, 16.07 per cent of fiber, and 2.32 per cent of fat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 16.00 Per Cent Fat 3.50 Per Cent Fiber 15.00 Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 16 per cent of protein, not less than 3.50 per cent of fat, and not more than 15 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein, not less than 3.50 per cent of fat, and not more than 15 per cent of fiber.

whereas the said article did contain less protein and fat and more fiber than declared on the labels, to wit, approximately 10.54 per cent of protein, 2.32 per cent of fat, and 16.07 per cent of fiber.

On December 3, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11942. Misbranding of olive oil. U. S. v. Old Monk Olive Oil Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 16554. I. S. Nos. 3544-t, 3545-t, 3546-t, 3547-t, 3548-t, 13887-t, 13888-t, 13889-t.)

On July 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Old Monk Olive Oil Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about May 18, 1921, from the State of Illinois into the State of Colorado, and on or about October 21 and 27, 1921, respectively, from the State of Illinois into the State of Minnesota, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "France Old Monk * * * Trade Mark Olive Oil Virgin * * * Old Monk Olive Oil Co. New York - Chicago - Nice Net Contents One Gallon" (or "One Half Gallon" or "One Quart" or "One Pint" or "One Half Pint").

Examination of the article by the Bureau of Chemistry of this department showed that the respective-sized cans contained less than the amounts declared on the labels thereof.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents One Gallon," "Net Contents One Half Gallon," "Net Contents One Quart," "Net Contents One Pint," and "Net Contents One Half Pint," borne on the respective-sized cans containing the article, were false and misleading in that they represented that each of the said cans contained 1 gallon, 1 half gallon, 1 quart, 1 pint, or 1 half pint net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon, 1 half gallon, 1 quart, 1 pint, or 1 half pint net, as the case might be, of the said article, whereas the said cans did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 13, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11943. Adulteration of shell eggs. U. S. v. Benjamin G. Harrison, Harry D. Harrison, and Latham E. Harrison (Harrison Mercantile Co.) and Joseph W. Williams. Pleas of guilty. Fine, \$100. (F. & D. No. 17533. I. S. No. 7547-v.)

On September 4, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benjamin G. Harrison, Harry D. Harrison, and Latham E. Harrison, copartners, trading as the Harrison Mercantile Co., and Joseph W. Williams, of St. Francis, Kans., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 9, 1922, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Harrison Merc. Co. St. Francis, Kans."

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 103, or 7.15 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On October 8, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs on the Harrison Mercantile Co. and \$50 and costs on Joseph W. Williams.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11944. Adulteration and misbranding of flour. U. S. v. 294 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17885. I. S. No. 6461-v. S. No. C-4141.)

On October 29, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 294 sacks of flour, at St. Louis, Mo., alleging that the article had been shipped by the Moses Bros. Mills, Great Bend, Kans., on or about October 10, 1923, and transported from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 17, 1923, the Annanburg Grain & Milling Co., St. Louis, Mo., having appeared as claimant for the property and consented to a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned that it be reconditioned under the supervision of this department and that the claimant pay the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11945. Adulteration and misbranding of canned peas. U. S. v. 849 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16988. I. S. No. 3123-v. S. No. E-4226.)

On or about November 25, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 849 cases of canned peas, at Jacksonville, Fla., consigned by W. E. Robinson & Co., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about August 26, 1922, and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Watervale Brand * * * Prepared From Ripe Peas."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, soaked peas, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the product was labeled, "Early June Peas These Peas Are Hand-Picked From Selected Alaska Or Early June Peas," which statements, together with the design showing a dish of green colored succulent-appearing shelled peas, were false and misleading and deceived and misled the purchaser, since the said article consisted of soaked peas.

On December 11, 1922, the W. E. Robinson & Co., Bel Air, Md., having appeared as claimant for the property and admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,400, in conformity with section 10 of the act, conditioned in part that if it be sold or disposed of under any branding, such branding should accurately and correctly describe said product.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11946. Adulteration and misbranding of horse and mule feed and saccharine meal. U. S. v. 100 Sacks of Perfecto Horse and Mule Feed and 100 Sacks of Steam-Dried Saccharine Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16900. I. S. Nos. 6053-v, 6054-v. S. No. E-3246.)

On November 6, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of Perfecto horse and mule feed and 100 sacks

of steam-dried saccharine meal, at Jacksonville, Fla., consigned by Milam-Morgan Co., New Orleans, La., alleging that the articles had been shipped from New Orleans, La., on or about October 14, 1922, and transported from the State of Louisiana into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Perfecto Horse And Mule Feed Manufactured By Milam-Morgan Co., Ltd. New Orleans, La. * * * Fibre 15.00% Fat 2.00% Protein 9.00%," "Steam Dried Sacharine Meal * * * Guaranteed Analysis Fat 1.00% Protein 7.00% * * * Fiber 17.00%."

Adulteration of the articles was alleged in the information for the reason that substances deficient in protein had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the products were labeled, respectively, "Protein 9.00%" and "Protein 7.00%," which statements were false and misleading and deceived and misled the purchaser, since the said articles were deficient in protein.

On December 12, 1922, the Milam-Morgan Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled so as to accurately and correctly describe the said products.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11947. Adulteration and misbranding of meat and bone scrap. U. S. v. S Sacks, et al., of Meat and Bone Scrap. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17509, 17539. I. S. Nos. 112-v, 435-v. S. Nos. E-4394, E-4402.)

On May 15 and 21, 1923, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1½ tons of meat and bone scrap, at Washingtonville, N. Y., and 8 sacks of meat and bone scrap, at Nyack, N. Y., consigned by the Economy Poultry Supply Co., Inc., Newark, N. J., alleging that the article had been shipped from Newark, N. J., in part on or about November 16, 1922, and in part on or about April 12, 1923, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Meat & Bone Scrap 100 pounds net * * * 'MM Hygrade-The Secret of Good Mash' From Economy Poultry Supply Co. Inc. Martin R. Maurer, Pres. Harrison, N. J. * * * Protein 50 to 55%."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in protein had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Meat & Bone Scrap * * * 'Hygrade-The Secret of Good Mash' * * * Analysis: Protein 50 to 55%," were false and misleading and deceived and misled the purchaser.

On December 4, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal and that delivery to and acceptance by the Institute for Mental Defectives, Letchworth Village, Thiells, N. Y., be deemed an execution of the writ of destruction.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11948. Adulteration of canned crab meat. U. S. v. 634 Cases of Crab Meat. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16920. I. S. No. 7749-v. S. No. W-1235.)

On November 13, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 634 cases of crab meat, at Seattle, Wash., alleging that the article had been shipped by the Oregon-Alaska Packing Co., Sitka, Alaska, in various consignments, namely, August 6, 13, and 22 and September 12, 1922, respectively, and transported from the Territory of Alaska into the

State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Orlasco Brand The World's Choicest Sea Food Fancy Crab Meat * * * Oregon Alaska Packing Company Portland, Oregon Packed In Alaska, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed animal substance.

On December 15, 1922, the Oregon-Alaska Packing Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,500, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion released to the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11949. Adulteration of canned loganberries. U. S. v. 45 Cases of Canned Loganberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17960. I. S. No. 2882-v. S. No. E-4555.)

On November 5, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 cases of canned loganberries, at Philadelphia, Pa., consigned by H. A. Baker, Inc., Sumner, Wash., alleging that the article had been shipped from Sumner, Wash., on or about August 20, 1923, and transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Inavale Brand * * * Solid Pack Loganberries Packed By H. A. Baker, Inc., Sumner, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On November 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11950. Adulteration of canned sardines. U. S. v. 79 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17739. I. S. Nos. 6685-v, 6688-v. S. No. C-4108.)

On August 21, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 79 cases of sardines, at St. Louis, Mo., alleging that the article had been shipped by the Columbian Canning Co., Lubec, Me., on or about June 8, 1923, and transported from the State of Maine into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Vender Brand Packed by Columbian Canning Co., Washington Co., Lubec, Maine." The remainder of the said article was labeled in part: "Champion Brand American Sardines In Cotton Seed Oil Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 3, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11951-12000.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 24, 1924.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11951. Adulteration of shell eggs. U. S. v. 102 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17891. I. S. No. 17834-v. S. No. C-4127.)

On October 2, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 102 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by the Gentry Mercantile Co., from Gentry, Mo., September 26, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On October 3, 1923, Dauber Bros., Chicago, Ill., claimants, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11952. Misbranding of rolled barley. U. S. v. San Francisco Milling Co., Ltd., a corporation. Plea of nolo contendere. Fine, \$200. (F. & D. No. 16404. I. S. Nos. 11080-t, 11081-t, 11082-t, 11083-t, 11084-t, 11085-t, 11086-t.)

On September 14, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the San Francisco Milling Co., Ltd., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about February 6, 7, and 8, 1922, respectively, from the State of California into the Territory of Hawaii, of quantities of rolled barley which was misbranded. The greater portion of the article was labeled in part: (Sack) "Rld Barley 75 Lbs. Net." The remainder of the article was labeled in part: (Sack) "Hilo Prince Special Rolled Barley 75 Lbs. Net."

Examination of the article by the Bureau of Chemistry of this department showed that the sacks contained less than the quantity declared on the labels thereof.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "75 Lbs. Net," borne on the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said sacks contained 75 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 75 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not contain 75 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 29, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11953. Adulteration and misbranding of canned oysters. U. S. v. 88 Cases and 13 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 16643, 16663. I. S. Nos. 6601-v, 6603-v. S. Nos. C-3710, C-3726.)

On July 19 and 27, 1922, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 101 cases of oysters, remaining unsold in the original unbroken packages in part at Sikeston and in part at St. Louis, Mo., alleging that the article had been shipped by the Hilton Head Packing Co., Savannah, Ga., in part on or about April 22 and in part on or about May 17, 1922, and transported from the State of Georgia into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Can) "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. * * * Savannah, Ga." The remainder of the article was labeled in part: (Can) "Indian Belle Brand * * * Select Quality Oysters * * * Contents 5 Ozs."

Adulteration of the article was alleged in the libels for the reason that excessive brine had been packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statements, "5 Oz." and "Contents 5 Ozs.," borne in the labeling of the respective brands of the said article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 2, 1922, the Hilton Head Packing Co., Inc., Savannah, Ga., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Slack Filled A package of this size should contain 5 ounces Oyster Meat. Actual cut-out weight in this can 3.5 ounces."

C. F. MARVIN, *Acting Secretary of Agriculture.*

11954. Adulteration of butter. U. S. v. 92 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17623. I. S. No. 8671-v. S. No. W-1392.)

On July 3, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 92 cubes of butter, at San Francisco, Calif., alleging that the article had been shipped by the Bradner Co., from Seattle, Wash., June 26, 1923, and transported from the State of Washington into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a product deficient in butterfat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted from the said article.

On July 17, 1923, the Makins Produce Co. having appeared as claimant for the property and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11955. Adulteration and misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released upon bond. (F. & D. No. 16990. I. S. No. 3189-v. S. No. E-4228.)

On or about November 22, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of cottonseed meal, remaining unsold in the original unbroken packages at Jacksonville, Fla., consigned by the Buckeye Cotton Oil Co., from Macon, Ga., alleging that the article had been shipped from Macon, Ga., on or about October 25, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Lbs. Net * * * Cottonseed Meal Guarantee Protein 36.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding of the article was alleged for the reason that it was labeled, "Cottonseed Meal Guaranteed Protein 36.00%," which statement was false and misleading and deceived and misled the purchaser, since the said article was deficient in protein.

On January 30, 1923, the Buckeye Cotton Oil Co., Macon Ga., claimant, having admitted the allegations of the libel as to the mislabeling of the product but claiming that the mislabeling was unintentional, a decree of the court was entered ordering the condemnation of the said product, and it was further ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11956. Misbranding of olive oil. U. S. v. Nicholas V. Deligiannis and Antonios V. Deligiannis (Deligiannis Bros.). Pleas of guilty. Fine, \$200. (F. & D. No. 16232. I. S. Nos. 239-t, 240-t, 3518-t, 3519-t, 3520-t, 3521-t, 3522-t.)

On July 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas V. Deligiannis and Antonios V. Deligiannis, copartners, trading as Deligiannis Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about April 2, August 26, and September 13, 1921, from the State of Illinois into the State of Minnesota, and on or about August 3 and 26, 1921, from the State of Illinois into the State of Indiana, of quantities of olive oil which was misbranded. The article was labeled in part: (Cans) "Net Contents One Pint" (or "One Quart" or "Two Quarts") " * * * Pure Olive Oil * * * Universal Brand * * * Imported And Packed By Deligiannis Brothers Chicago, Ill."

Examination by the Bureau of Chemistry of this department of samples taken from the various consignments showed that the said cans contained less than the quantities declared on the respective labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents One Pint," "Net Contents One Quart," and "Net Contents Two Quarts," borne on the respective-sized cans containing the said article, were false and misleading in that they represented that each of the said cans contained 1 pint, 1 quart, or 2 quarts net of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 pint, 1 quart, or 2 quarts net of the said article, as the case might be, whereas the said cans did not contain the amounts declared on the labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11957. Misbranding of olive oil. U. S. v. James Mallars, Harry Kokenes, Thomas Kokenes, and Samuel T. Mallars (Nasiacos Importing Co.). Plea of guilty. Fine, \$200. (F. & D. No. 16413. I. S. Nos. 3593-t, 9452-t, 13891-t, 13892-t, 14110-t.)

On July 1, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Mallars, Harry Kokenes, Thomas Kokenes, and Samuel T. Mallars, copartners, trading as the Nasiacos Importing Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Illinois, in various consignments, namely, on or about October 29, 1921, into the State of Colorado, on or about December 10, 1921, into the State of Minnesota, on or about December 13, 1921, into the State of South Carolina, and on or about January 11, 1922, into the State of Wyoming, of quantities of olive oil which was misbranded. A portion of the article was labeled in part: "Contents 1/4 Gallon * * * Athlete Brand Pure Olive Oil * * * Nasiacos Importing Co., Chicago, Ill.;" Athlete Brand * * * Pure Olive Oil Contents 1/8 Gallon * * * Nasiacos Importing Co., Chicago." The remainder of the article was labeled in part: (Can) "Athlete Club * * * Guaranteed Finest Quality Pure Olive Oil Contents 1/2 Gallon."

Examination by the Bureau of Chemistry of this department of samples taken from each of the consignments showed that the said cans contained less than the quantities declared on the labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 1/4 Gallon," "Contents 1/8 Gallon," and "Contents 1/2 Gallon," borne on the respective-sized cans containing the said article, were false and misleading in that they represented that each of the said cans contained one-quarter gallon, one-eighth gallon, or one-half gallon of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one-quarter gallon, one-eighth gallon, or one-half gallon of the article, as the case might be, whereas each of the said cans did not contain the amount declared on the label thereof but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11958. Adulteration and misbranding of butter. U. S. v. Armour & Co., a Corporation. Plea of nolo contendere. Fine, \$180. (F. & D. No. 17520. I. S. Nos. 8124-v, 8676-v, 8680-v, 8681-v, 8683-v, 8684-v, 8689-v.)

On October 9, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Armour & Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about February 14, 16, 20 (three consignments), and 27, and March 7, 1923, respectively, from the State of California into the Territory of Hawaii, of quantities of butter, a portion of which

was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part: "1 Lb. Net Weight Armour's * * * Veribest Creamery Butter."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product involved in the consignments of February 14, February 16, one of the consignments of February 20, and the consignments of February 27 and March 7 contained excessive moisture and was deficient in butterfat. Examination by said bureau showed that the packages involved in all of the consignments, with the exception of that of March 7, were short weight.

Adulteration was alleged in the information with respect to the shipments of February 14, 16, 27, and March 7 for the reason that a product deficient in milk fat and containing excessive moisture had been substituted in whole or in part for butter, which the article purported to be. Adulteration was alleged with respect to one of the consignments of February 20 for the reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged with respect to the product in all of the consignments, with the exception of the three consignments of February 20, for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that it represented that said article was creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was creamery butter, whereas it was not but was a product deficient in milk fat and contained excessive moisture. Misbranding was alleged with respect to one of the consignments of February 20 for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that it represented that said article was creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was creamery butter, whereas it was not but was a product deficient in milk fat. Misbranding was alleged with respect to all of the said article, with the exception of the three consignments of February 20, for the further reason that it was an imitation of creamery butter and was offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

Misbranding was alleged with respect to the product involved in all the consignments, with the exception of that of March 7, for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading in that it represented that each of the said packages contained 1 pound net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas each of said packages did not but did contain a less amount. Misbranding was alleged with respect to the said article, with the exception of the said consignment of March 7, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 15, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$180.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11959. Adulteration of dried black grapes. U. S. v. 98 Cases of Dried Black Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17671. I. S. No. 8387-v. S. No. W-1396.)

On July 28, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 98 cases of dried black grapes, at Portland, Oreg., alleging that the article had been shipped by the DaRoza-Doherty Co., from San Francisco, Calif., on or about July 15, 1923, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance. Adulteration was alleged for the further reason that sand or dirt had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

On October 31, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11960. Misbranding of olive oil. U. S. v. Andrea Russo (Andrea Russo & Co.). Plea of guilty. Fine, \$150. (F. & D. No. 16558. I. S. Nos. 1770-t, 11174-t, 12816-t, 12817-t.)

On July 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Andrea Russo, trading as Andrea Russo & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in various consignments, on or about May 13, August 10, and September 14, 1921, respectively, from the State of Illinois into the States of Colorado, Oklahoma, and Utah, respectively, of quantities of olive oil which was misbranded. The article was labeled in part: "One Quart Net" (or "Half Gallon Net" or "One Gallon Net") "Diana Brand * * * Olive Oil."

Examination by the Bureau of Chemistry of this department of samples of the article from the various consignments showed that the said cans contained less than the quantities declared on the respective labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "One Quart Net," "Half Gallon Net," and "One Gallon Net," borne on the cans containing the article, were false and misleading in that they represented that each of the said cans contained 1 quart, 1 half gallon, or 1 gallon net of the said article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 quart, 1 half gallon, or 1 gallon net of the said article, as the case might be, whereas each of said cans did not contain the amount declared on the label but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11961. Misbranding of olive oil. U. S. v. Gus Kakarakis and Frank Kakarakis (Kakarakis Bros.). Pleas of guilty. Fine, \$150. (F. & D. No. 16566. I. S. Nos. 18606-t, 18609-t, 18611-t.)

On July 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gus Kakarakis and Frank Kakarakis, copartners, trading as Kakarakis Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about November 16, November 29, and December 2, 1921, respectively, from the State of Illinois into the State of Indiana, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Contents 1 Quart" (or "Contents $\frac{1}{2}$ Gallon" or "Contents 1 Gallon" or "Contents 1 Pint"), "Electra Brand Extra Superfine Pure Olive Oil * * * Kakarakis Bros. Chicago, Ill."

Examination by the Bureau of Chemistry of this department of 20 cans each of the quart, half-gallon, and gallon sizes showed an average net volume of 1 pint 15.59 fluid ounces, 1 quart 1 pint 15.47 fluid ounces, and 3 quarts 1 pint 14.95 fluid ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 1 Quart," "Contents $\frac{1}{2}$ Gallon," "Contents 1 Gallon," and "Contents 1 Pint," borne on the respective-sized cans containing the said article, were false and misleading in that they represented that each of the said cans contained 1 quart, 1 half gallon, 1 gallon, or 1 pint of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 quart, 1 half gallon, 1 gallon, or 1 pint of the article, as the case might be, whereas each of said cans did not contain the amount declared on the label thereof but did contain a less amount. Misbranding was alleged for the further reason that the article was food in

package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11962. Misbranding of Ironglond tonic tablets. U. S. v. 1 Dozen Packages of Ironglond Tonic Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17673. I. S. No. 8386-v. S. No. W-1399.)

On July 31, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 dozen packages of Ironglond tonic tablets, at Portland, Oreg., alleging that the article had been shipped by the Sanitary Products Co., from San Francisco, Calif., July 9, 1923, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted of pills containing an iron compound, strychnine, and material of animal origin, coated with sugar, starch, and calcium carbonate, colored with a red dye.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, (carton and pink circular) "Ironglond tonic tablets are for the up-building of the Genital Organs of both Male and Female * * * of Great Value in Restoring Youthful Vigor and Vitality to Weak, Run Down Nervous Men and Women," (carton) "Used For Sexual Debility—Lost Vitality * * * Nervousness—Asthenia Low Blood Pressure—Weaknesses Sexual Neurasthenia," (pink circular) "a rejuvenating tonic and gland body builder * * * If You Suffer From Sexual Debility Sexual Neurasthenia Asthenia Nervousness * * * Lost Vitality Run-Down Condition General Weaknesses, Etc. Take Ironglond Tonic Tablets * * * The Most Important Glands Are The Sex Glands * * * control the life energy * * * in both Male and Female. Every muscle, nerve and tissue is actuated by the tremendously powerful secretions from the sex glands. Depletion of the vital sex fluids always accompanies old age and debility * * * A Renewal of Strength, Especially to the Functioning of the Glands * * * for Low Vitality, loss of vigor and endurance in the overworked or abused male system. For Women: For weakened physical conditions, etc.," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 31, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11963. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 16916. I. S. No. 7877-v. S. No. W-1231.)

On November 10, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of canned salmon, at Astoria, Oreg., delivered for shipment from the State of Oregon into the State of Florida, alleging that the article had been sold, shipped, and consigned from Astoria, Oreg., by the Warrenton Clam Co., Astoria, Oreg., November 3, 1922, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choice Columbia River * * * Salmon Contents 15½ Oz. Beaver Brand * * * Packed By D. Hansen Packing Co. Hammond, Oregon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that a filthy, decomposed, and putrid animal substance, to wit, salmon, had been substituted for normal salmon of good commercial quality.

On or about November 1, 1923, the Union Fishermen's Cooperative Packing Co., a corporation organized under the laws of Oregon, having appeared as

claimant for the property and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion disposed of to the Oregon State Fish Commission for fish food and the good portion released to the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11964. Adulteration of chloroform. U. S. v. S Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16539. S. No. E-4013.)

On June 30, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cans of chloroform, remaining in the original unbroken packages at Blairsville, Pa., alleging that the article had been shipped from New York, N. Y., on or about May 11, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation.

On April 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11965. Adulteration of shell eggs. U. S. v. Roy E. Stires. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17527. I. S. Nos. 7550-v, 7649-v.)

On September 4, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Roy E. Stires, Atwood, Kans., alleging shipment by said defendant, in violation of the Food and Drugs Act, in two consignments, namely, on or about October 10 and December 21, 1922, respectively, from the State of Kansas into the State of Colorado, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment of October 10 showed that 107, or 7.43 per cent of those examined, were inedible eggs, consisting of black rots, white or mixed rots, moldy eggs, and spot rots. Examination by said bureau of 1,260 eggs from the remaining consignment showed that 297, or 23.57 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, heavy spot rots, and light spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On October 8, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11966. Misbranding of peaches. U. S. v. Albert J. Evans. Plea of guilty. Fine, \$25. (F. & D. No. 14742. I. S. No. 610-L.)

On September 6, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert J. Evans, Hillsboro, Ga., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 22, 1920, from the State of Georgia into the State of Illinois, of a quantity of peaches in baskets which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 1, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11967. Misbranding of peaches. U. S. v. Albert J. Evans and Samuel B. Hungerford (Hungerford & Evans). Pleas of guilty. Fine, \$25. (F. & D. No. 15578. I. S. Nos. 120-t, 122-t, 123-t.)

On February 9, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert J. Evans and Samuel B. Hungerford, copartners, trading as Hungerford & Evans, Gray, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about May 21 and 26, 1921, respectively, from the State of Georgia into the State of Illinois, of quantities of peaches in crates which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 1, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11968. Misbranding of peaches. U. S. v. Standard Growers Exchange, a Corporation. Pleas of guilty. Fine, \$50. (F. & D. Nos. 13181, 16224. I. S. Nos. 7591-r, 653-t, 667-t.)

On June 27, 1922, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Standard Growers Exchange, a corporation, trading at Macon, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about July 11, 1919, and May 18 and June 28, 1921, respectively, from the State of Georgia into the State of Illinois, of quantities of peaches in baskets which were misbranded.

Misbranding of the article was alleged in the informations for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 10, 1923, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11969. Adulteration and misbranding of olive oil. U. S. v. Samuel Hochheisser and Louis Weisberg (Bay Bee Oil Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 17526. I. S. Nos. 15555-t, 15610-t, 15611-t, 15612-t, 15613-t, 15614-t, 15615-t, 15619-t, 15620-t.)

At the October, 1923, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Samuel Hochheisser and Louis Weisberg, copartners, trading as the Bay Bee Oil Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about October 5, 1921, January 7, January 16, February 6, and March 18, 1922, respectively, from the State of New York into the State of New Jersey, and on or about January 26, 1922, from the State of New York into the State of Connecticut, of quantities of olive oil which was misbranded and quantities of alleged olive oil which was adulterated and misbranded. The olive oil was labeled in part: "Extra Sublime Pure Imported Olive Oil Blue Star Brand * * * One Gallon" (or "Half Gallon" or "Quarter Gallon") * * * Bay Bee Oil Company Importers & Packers Lucca, Italy, New York U. S. A." Some of the alleged gallon cans were further labeled, "7½ Lbs. Net Or 0.98 Of One Gallon," and some of the alleged half-gallon cans were further labeled, "3¾ Lbs. Net Or 0.98 Of Half Gallon." The Cob brand oil was labeled in part: "Olio Sopraffino Per Insalata 'Cob'

Brand * * * (picture of olive branches) "Extra Fine Corn Oil Blended With Highest Grade Pure Olive Oil * * * Net Contents One Gallon" (or "Net Contents Half Gallon" or "Net Contents One Quarter Gallon") " * * * Packed By B B O C New York."

Analyses of samples of the Cob brand oil by the Bureau of Chemistry of this department showed that it consisted of corn oil mixed with a small quantity of cottonseed oil. Examination of both brands of the article by said bureau showed that the cans contained less than the quantities declared on the labels thereof.

Adulteration was alleged in the information with respect to the Cob brand oil for the reason that oil or oils other than olive oil had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding was alleged with respect to the said Cob brand oil for the reason that the statements in prominent type, to wit "Olio Sopraffino * * * Pure Olive Oil," together with the design and device of olive branches, borne on the cans containing the said article, were false and misleading in that they represented that the article was olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, whereas it was not olive oil but was a mixture composed in whole or in part of oil or oils other than olive oil. Misbranding was alleged for the further reason that the statement, to wit, "Blended With Highest Grade * * * Olive Oil," borne on the cans containing the said Cob brand oil, was false and misleading in that it represented that the article was blended with the highest grade olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was blended with highest grade olive oil, whereas it was not blended with highest grade olive oil in that it was a product which contained no olive oil. Misbranding was alleged for the further reason that the article was a product composed in whole or in part of oil or oils other than olive oil and contained no flavor of olive oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil.

Misbranding was alleged with respect to both brands of the article for the reason that the statements, "One Gallon," "Net Contents One Gallon," "Net Contents Half Gallon," "Net Contents One Quarter Gallon," and "Quarter Gallon," borne on the respective-sized cans containing the said article, and the further statement, to wit, "3½ Lbs. Net Or 0.98 Of Half Gallon," borne on certain of the alleged half-gallon cans, and the further statement, to wit, "7½ Lbs. Net Or 0.98 Of One Gallon," borne on certain of the alleged gallon cans, were false and misleading in that the said statements represented that the cans contained one gallon, one-half gallon, or one-quarter gallon of the article, as the case might be, and that certain of the alleged half-gallon cans contained 3½ pounds, or 0.98 of a half gallon, and that certain of the alleged gallon cans contained 7½ pounds, or 0.98 of one gallon, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained the amounts declared on the respective labels, whereas, in truth and in fact, they did not but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 22, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11970. Adulteration and misbranding of canned oysters. U. S. v. 30 Cases of Oysters. Consent decree providing for release of product under bond. (F. & D. No. 17743. I. S. No. 6916-v. S. No. C-4099.)

On September 12, 1923, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 cases of oysters, remaining in the original unbroken packages at Sulphur Springs, Tex., alleging that the article had been shipped by the Sea Food Co., from Biloxi, Miss., April 7, 1923, and transported from the State of Mississippi into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Winner Brand * * * Oysters * * * Net Contents 4 Ounces."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed or packed therewith so as to reduce or alter its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the packages containing the article, "Net Contents 4 Ounces," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 10, 1923, the Sea Food Co., a corporation of the State of Mississippi, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered finding the product to be adulterated and misbranded and ordering that it might be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11971. Adulteration of canned salmon. U. S. v. 509 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17377. I. S. Nos. 6032-v, 6804-v. S. No. C-3948.)

On March 15, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 509 cases of salmon, at New Orleans, La., alleging that the article had been shipped by the Hidden Inlet Canning Co., from Seattle, Wash., on or about October 11, 1922, and transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Steamboat Brand * * * Pink Alaska Salmon Packed By Hidden Inlet Canning Co. * * * Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11972. Adulteration and misbranding of cherries. U. S. v. 50 Cases, Each Containing 6 No. 10 Cans of Cherries. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16756. I. S. No. 3881-v. S. No. C-3779.)

On August 18, 1922, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on September 13, 1922, an amended libel, praying the seizure and condemnation of 50 cases, each containing 6 No. 10 cans of cherries, remaining in the original unbroken packages at South Bend, Ind., alleging that the article had been shipped by Mikesell & Co., Traverse City, Mich., on or about July 13, 1922, and transported from the State of Michigan into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Grand Traverse Brand * * * Red Pitted Sour Cherries In Juice Contents Number 2 Can 1 Lb. 3 Oz. Number 10 Can 6 Lbs. 9 Oz. * * * Mikesell & Company Traverse City, Michigan."

Adulteration of the article was alleged in the libel as amended for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

Misbranding was alleged for the reason that the above-quoted statements appearing on the labels of the said cans were false and misleading and deceived and misled purchasers in that the said cherries were not packed in their own juice but were packed in water. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, cherries in juice, and for the further reason that it was food in package form and the quality [quantity] of the contents was not plainly and conspicuously marked on the outside of the package.

On December 18, 1923, the claimant, L. F. Mikesell & Co., having authorized the confiscation of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11973. Adulteration of canned sardines. U. S. v. 8 Cases and 9 Cases of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17866, 17867. I. S. Nos. 1951-v, 1952-v. S. Nos. E-4506, E-4507.)

On October 22, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information praying the seizure and condemnation of 17 cases, each containing 100 tins of sardines, at North Adams, Mass., alleging that the article had been shipped by the Columbian Canning Co., from Lubec, Me., in part on or about February 28 and in part on or about August 1, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Champion Brand American Sardines In Cotton Seed Oil Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine." The remainder of the article was labeled in part: (Can) "Vender Brand American Sardines * * * Packed By Columbian Canning Co. Lubec, Washington Co., Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 17, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11974. Adulteration of chestnuts. U. S. v. 16 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18117. I. S. No. 2893-v. S. No. E-4616.)

On November 28, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 bags of chestnuts, at Philadelphia, Pa., consigned by S. G. Conduff & Son, Willis, Va., alleging that the article had been shipped from Vinton, Va., on or about October 20, 1923, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 18, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11975. Adulteration of chestnuts. U. S. v. 25 Sacks of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18115. I. S. No. 2894-v. S. No. E-4617.)

On November 26, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 sacks of chestnuts, at Philadelphia, Pa., consigned by John Shartzter, Oakland, Md., alleging that the article had been shipped from Tunnelton, W. Va., on or about October 20, 1923, and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 18, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11976. Adulteration of canned salmon. U. S. v. 25 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18133. I. S. No. 911-v. S. No. E-4627.)

On December 1, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of salmon, at Cuthbert, Ga., alleging that the article had been shipped by the Hidden Inlet Canning Co., from Seattle, Wash., on or about October 15, 1923, and transported from the State of Washington into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Steamboat Brand * * * Pink Alaska Salmon Packed By Hidden Inlet Canning Co. Main office: Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, decomposed, and putrid animal substance.

On December 7, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11977. Adulteration and misbranding of minced clams. U. S. v. 55 Cases and 40 Cases of Minced Clams. Product released under bond to be relabeled. (F. & D. Nos. 17394, 17395. I. S. Nos. 8292-v, 8293-v. S. Nos. W-1359, W-1360.)

On March 20, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 95 cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Younglove Grocery Co., from Tacoma, Wash., February 10, 1923, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Far-North Ocean Clams (Minced) 10 Oz. Net Contents * * * Packed By Polar Fisheries Co. Alaska Main office: Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that excessive brine or liquor had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the statement, "Clams (Minced)," was false and misleading and deceived and misled the purchaser.

On May 10, 1923, the International Sales & Produce Co., Portland, Oreg., having appeared as claimant for the property, a decree of the court was entered providing for the release of the product under bond to be relabeled.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11978. Misbranding of Trask's ointment. U. S. v. D. Ransom, Son & Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 15054. I. S. No. 5816-t.)

On September 6, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against D. Ransom, Son & Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 19, 1920, from the State of New York into the State of Pennsylvania, of a quantity of Trask's ointment which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted of extracts of plants, including tobacco and Lobelia, mixed with fat.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding its therapeutic and curative effects, appearing on the labels of the wrappers and in the circulars accompanying the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for catarrh, painful rheumatic affections, lumbago, lameness, sprains, neuralgia, nervous headache, scaly scalp affections, ulcers, sore throat, pleuritic and pulmonary affections, painful abdominal affections, eczema, sore eyes, articular and glandular swellings, eruptive diseases during eruption, milk leg, goiter (swelled neck), piles, hemorrhoids, chest troubles, minor affections of the lungs, protracted coughs, throat troubles, nasal catarrh, abdominal troubles, serious bowel affections, appendicitis, skin disorders, abscesses, eruption and itching in scarlet fever and smallpox, when, in truth and in fact, it was not.

On March 25, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11979. Adulteration of canned sardines. U. S. v. 25 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17837. I. S. No. 2263-v. S. No. E-4491.)

On September 28, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of sardines, at Johnstown, Pa., consigned on or about July 24, 1923, alleging that the article had been shipped by the Columbian Canning Co., from Lubec, Maine, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Columbian Brand Sardines In Mustard Sauce Packed At Lubec, Wash'n Co. Me. By Columbian Canning Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 10, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11980. Adulteration and misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Product released under bond. (F. & D. No. 17466. I. S. Nos. 3352-v, 3353-v. S. No. E-4345.)

On April 21, 1923, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of cottonseed meal, at Murphy, N. C., alleging that the article had been shipped by the Central Oil & Fertilizer Co., Macon, Ga., in interstate commerce, in part March 26 and in part March 29, 1923. The article was labeled in part: "100 Lbs. Net Good Cotton Seed Meal * * * Guaranteed Analysis Ammonia (minimum) 7.00%."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained less than 7 per cent of ammonia.

It was alleged in substance in the libel that the article was adulterated and misbranded.

On May 26, 1923, the Central Oil & Fertilizer Co., Macon, Ga., having appeared as claimant for the property, and having admitted the material allegations of the libel and filed a bond in the sum of \$1,000, in conformity with section 10 of the act, it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and that it be not used for food purposes.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11981. Adulteration and misbranding of assorted jellies, assorted jams, and assorted preserves. U. S. v. 119 Cases of Assorted Jellies, et al. Default decrees of condemnation, forfeiture, and sale, with proviso that it might be released under bond to be rehealed. (F. & D. Nos. 17667, 17678. I. S. Nos. 11414-v, 11418-v to 11425-v, incl., 11851-v, 11852-v. S. Nos. W-1394, W-1397.)

On August 1 and 6, 1923, respectively, the United States attorney for the District of Wyoming, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 119 cases of assorted jellies and 363 cases of assorted jams and preserves, remaining unsold in the original unbroken packages at Cheyenne, Wyo., consigned by the Goodwin Preserving Co., Louisville, Ky., alleging that the articles had been shipped from Louisville, Ky., on or about May 28, 1923, and transported from the State of Kentucky into the State of Wyoming, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Assorted jellies) (jars and cans) "New Era Brand Jelly Blackberry-Apple" (or "Grape-Apple," "Crabapple," "Raspberry-Apple," or "Currant-Apple") * * * Goodwin Preserving Co. Incorporated Louisville, Ky. U. S. A.," (assorted jams) (cans) "Cardinal Brand Apple-Blackberry" (or "Apple-Strawberry" or "Apple-Raspberry") "J-A-M;" (assorted preserves) (jars) "Cardinal Brand Preserves Strawberry-Apple" (or "Blackberry-Apple" or "Raspberry-Apple").

Adulteration of the articles was alleged in the libels for the reason that pectin had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality and strength, and for the further

reason that acidified pectin jellies or acidified pectin jam or acidified pectin preserves, as the case might be, had been substituted in part for fruit jelly, fruit jam, and fruit preserves, respectively.

It was alleged in substance in the libels that the articles were misbranded so as to deceive and mislead the purchaser thereof in that they were labeled as "Blackberry-Apple," "Grape-Apple," "Crabapple," "Raspberry-Apple," or "Currant-Apple" jellies, according to the variety, and "Apple-Blackberry J-A-M," "Apple-Strawberry J-A-M," or "Apple-Raspberry J-A-M," and "Preserves Strawberry-Apple," "Preserves Blackberry-Apple," or "Preserves Raspberry-Apple," whereas, in truth and in fact, the said articles consisted of acidified pectin jellies, acidified pectin jams, or acidified pectin preserves, as the case might be. Misbranding was alleged in substance for the further reason that the articles were offered for sale under the distinctive names of other articles, and [with the exception of the said crabapple jelly] were imitations of such other articles.

On September 1 and 22, 1923, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold by the United States marshal, with the proviso in the decrees that upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,836, in conformity with section 10 of the act, the said products might be released to the owner or owners thereof, on condition that the tumblers, tins, and jars containing the articles be relabeled so as to show the true contents thereof.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11982. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co., a Corporation. Plea of guilty. Fine, \$105 and costs. (F. & D. No. 17607. I. S. Nos. 8469-v, 8470-v, 8471-v.)

On August 30, 1923, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Creamery Co., a corporation, trading at Fallon, Nev., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 25, 1923, from the State of Nevada into the State of California, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The three lots of the article were labeled in part, respectively: "Cascade Pasteurized Butter Net Weight One Pound When Packed Pasteurized Creamery Butter Guaranteed by Mutual Creamery Company * * * Los Angeles;" "1 Pound Net Weight Churchill Creamery Inc. Fallon, Nevada;" "Maid O'Clover * * * Butter * * * One Pound Net * * * Guaranteed by Mutual Creamery Company * * * Salt Lake City, Utah."

Examination by the Bureau of Chemistry of this department of 48 prints each of the Cascade, Maid O'Clover, and the Churchill Creamery brands of the article showed an average net weight of 15.74, 15.41, and 15.71 ounces, respectively. Analysis of the Cascade brand butter by said bureau showed that it was deficient in fat and contained excessive moisture.

Adulteration was alleged in the information with respect to the Cascade brand butter for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for pasteurized creamery butter, which the article purported to be.

Misbranding was alleged with respect to the Cascade brand butter for the reason that the statement, "Pasteurized Creamery Butter," borne on the packages containing the article, was false and misleading in that it represented that the said article consisted wholly of pasteurized creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pasteurized creamery butter, whereas, in truth and in fact, it did not but did consist in whole or in part of a product deficient in milk fat and contained an excessive amount of moisture.

Misbranding was alleged with respect to all of the said article for the reason that the respective statements, "Net Weight One Pound," "1 Pound Net Weight," and "One Pound Net," borne on the packages containing the various lots of the article, were false and misleading in that they represented that each of the said packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net

of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On August 30, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$105 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11983. Misbranding of tankage. U. S. v. Rogers Grain Products Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 16941. I. S. Nos. 231-t, 12978-t, 13653-t.)

On April 17, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rogers Grain Products Co., a corporation, Belvidere, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about May 23, 1921, and January 21, 1922, respectively, from the State of Illinois into the State of Wisconsin, and on or about December 2, 1921, from the State of Illinois into the State of Indiana, of quantities of tankage which was misbranded. The article was labeled in part: "Hygrade * * * Digester Tankage * * * Analysis: Protein 60% Fat 7% Crude Fiber 3% * * * Rogers Grain Products Co. Belvidere Illinois."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the three consignments of the product were low in protein, containing approximately 53.3, 45.55, and 50.18 per cent, respectively, of protein. Analyses by said bureau showed that the product consigned on January 21, 1922, was also low in fat, containing approximately 6.30 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 60%," borne on all of the sacks containing the said article, and the statement, to wit, "Fat 7%," borne on a portion of the sacks, were false and misleading in that they represented that the article contained not less than 60 per cent of protein and that a portion thereof contained not less than 7 per cent of fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein and that the said portion contained not less than 7 per cent of fat, whereas it did contain less than 60 per cent of protein and the said portion did contain less than 7 per cent of fat.

On November 5, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11984. Adulteration and misbranding of cottonseed feed. U. S. v. Buckeye Cotton Oil Co., a Corporation. Tried to the court and a jury. Verdict of guilty on counts 3, 4, 5, 6, and 9. Fine, \$225. Verdict of not guilty on counts 1, 2, 7, 8, 10, 11, 12, and 13. (F. & D. No. 9715. I. S. Nos. 2587-p, 2588-p, 3557-p, 3603-p, 4230-p, 4241-p.)

On July 21, 1919, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in thirteen counts against the Buckeye Cotton Oil Co., a corporation, Macon, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about November 19, 1917 (two shipments), March 12 and 18, 1918, respectively, from the State of Georgia into the State of Florida, and on or about November 28, 1917, and March 14, 1918, respectively, from the State of Georgia into the State of North Carolina, of quantities of cottonseed feed which was adulterated and misbranded. The article was labeled in part, variously: (Tags) "Cotton Seed Meal Manufactured By The Buckeye Cotton Oil Co. Macon Ga. * * * Low Grade;" "Buco * * * Cottonseed Feed * * * Manufactured by The Buckeye Cotton Oil Co. General Offices, Cincinnati, Ohio;" "Buckeye Standard Cottonseed Feed * * * Manufactured By The Buckeye Cotton Oil Company General Offices, Cincinnati, Ohio * * * Shipped By Macon, Ga. Mill."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product in each consignment was deficient in protein and that a portion of the said product was also deficient in fat. Examination by said bureau showed that one consignment contained excessive cottonseed hulls.

Adulteration was alleged in count 3 of the information, with respect to one consignment of the product under date of November 19, 1917, for the reason that a substance, to wit, cottonseed feed containing less than 20 per cent of protein and $3\frac{1}{2}$ per cent of fats, had been mixed and packed with the article so as to lower or reduce and injuriously affect its quality and strength, and for the further reason that a substance, to wit, cottonseed feed containing less than 20 per cent of protein and $3\frac{1}{2}$ per cent of fats, had been substituted in whole or in part for cottonseed feed containing 20 per cent of protein and $3\frac{1}{2}$ per cent of fats, which the article purported to be. Adulteration was alleged in count 5, with respect to the product consigned March 14, 1918, for the reason that a substance, to wit, cottonseed feed containing less than 20 per cent of protein less than $6\frac{1}{2}$ per cent of fat, and more than 12 per cent of crude fiber, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and for the further reason that cottonseed feed containing less than 36 per cent of protein, less than $6\frac{1}{2}$ per cent of fat, and more than 12 per cent of crude fiber had been substituted in whole or in part for cottonseed feed containing 36 per cent of protein, $6\frac{1}{2}$ per cent of fat, and 12 per cent of crude fiber, which the article purported to be.

Adulteration was alleged in counts 1, 7, 10, and 12, with respect to the remainder of the article, for the reason that substances, to wit, cottonseed meal containing excessive cottonseed hulls and containing less than 7 per cent of ammonia and less than 36 per cent of protein, or cottonseed feed containing less than 36 per cent of protein and less than $6\frac{1}{2}$ per cent of fat, or cottonseed feed containing less than 20 per cent of protein and less than $3\frac{1}{2}$ per cent of fat, as the case might be, had been mixed and packed with the said article so as to lower or reduce and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged in counts 4 and 6 for the reason that the statements, to wit, "Protein Min. 20%," "Fats Min. $3\frac{1}{2}\%$," borne on the tags attached to the sacks containing a portion of the product consigned November 19, 1917, and the statements, to wit, "Protein 36%," "Fat $6\frac{1}{2}\%$," "Crude Fibre (Maximum) 12%," borne on the tags attached to the sacks containing the product consigned March 14, 1918, were false and misleading in that the said statements represented that the former contained not less than 20 per cent of protein and $3\frac{1}{2}$ per cent of fats and that the latter contained not less than 36 per cent of protein, not less than $6\frac{1}{2}$ per cent of fat, and not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the former contained not less than 20 per cent of protein and $3\frac{1}{2}$ per cent of fats and that the latter contained not less than 36 per cent of protein, not less than $6\frac{1}{2}$ per cent of fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, the said article contained less protein and fat than declared in the labeling, and the product consigned March 14, 1918, contained more than 12 per cent of crude fiber. Misbranding was alleged in count 9, with respect to the product consigned November 28, 1917, for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged in counts 2, 8, 11, and 13 for the reason that the respective statements, to wit, "Ammonia (Actual and potential) 7.00 per cent (Equivalent to Protein) 36.00 per cent," or "Protein 36%," "Fat $6\frac{1}{2}\%$," or "Protein Min. 20%," "Fats Min. $3\frac{1}{2}\%$," as the case might be, borne on the tags attached to the sacks containing the product involved in said counts, were false and misleading in that the said statements represented that the article contained the amounts of protein (ammonia) and fat declared in the labeling, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the amounts of protein (ammonia) and fat declared in the said labeling, whereas, in truth and in fact, the said article contained less protein than declared in the labeling and a portion thereof contained less fat than so declared. Misbranding was alleged in counts 2 and 13 for the reason that the statement, "Cottonseed Meal," borne on the tags attached to the sacks containing the product involved in the said counts, was false and misleading in that it represented that the article was free from excessive cottonseed hulls, and for the further reason that it was labeled, "Cottonseed Meal," so as to deceive and mislead the purchaser into the belief that it was free from excessive cottonseed hulls, whereas, in truth and in fact, it contained added cottonseed hulls. Misbranding was alleged in said counts 2 and 13 for the further reason that the product involved

in the said counts was a mixture composed in part of cottonseed hulls, prepared in imitation of and sold under the distinctive name of another article, to wit, cottonseed meal.

On October 11, 1923, the case came on for trial before the court and a jury. After the introduction of testimony and arguments by counsel the court submitted the case to the jury, which after due deliberation returned, on October 12, 1923, a verdict of guilty to counts 3, 4, 5, 6, and 9 of the information and of not guilty to the remaining counts. On October 23, 1923, the court imposed a fine of \$225 without costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11985. Adulteration and misbranding of butter. U. S. v. 19 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18162. I. S. No. 15285-v. S. No. E-4643.)

On December 15, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 19 cases of butter, at Boston, Mass., alleging that the article had been shipped by the Barnet Creamery Assoc., Barnet, Vt., on or about December 3, 1923, and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Case) "50 Cut 40# Net."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly and in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was labeled, "40# Net," which statement was false and misleading and deceived and misled the purchaser in that it represented to purchasers that there were contained in said cases 40 pounds of the article, whereas, in truth and in fact, there were not contained in said cases 40 pounds of the said article but a less quantity was contained therein. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct and since the prints contained within the said cases bore no statement whatever as to the quantity of their contents.

On December 20, 1923, C. R. Corwin Co., Boston Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11986. Adulteration and misbranding of sirup. U. S. v. 36 Cases and 57 Cans of Sirup. Decree of condemnation and forfeiture. Product ordered sold, with proviso that it might be released under bond upon claim of owner. (F. & D. Nos. 17858, 17859, 17860. I. S. Nos. 11538-v, 11539-v, 11540-v. S. No. W-1425.)

On October 18, 1923, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 cases and 57 cans of sirup, remaining unsold in the original unbroken packages at Laramie, Wyo., consigned by the Maple Maid Syrup Co., Denver, Colo., alleging that the article had been shipped from Denver, Colo., on or about May 2, 1923, and transported from the State of Colorado into the State of Wyoming, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "From The Maple Maid Syrup Co., Denver, Colo.:" (can) "Maple Maid * * * Syrup Made From Pure Refined And Maple Sugar Manufactured By The Maple Maid Syrup Co. Denver, Colo. Contents 1 Lb." (or "Contents 2½ Lbs." or "Contents 5 Lbs.") "Net Weight."

Adulteration of the article was alleged in the libel for the reason that glucose had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for maple sirup.

It was alleged in substance in the libel that the article was misbranded so as to deceive and mislead the purchaser in that it was labeled, "Maple Maid Syrup," whereas, in truth and in fact, it was not maple sirup but contained glucose. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On November 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, with the proviso in the decrees that upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, the said product might be released to the owner or owners thereof, on condition that it be relabeled in compliance with the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11987. Adulteration of walnuts. U. S. v. 37 Bags of Walnuts in Shells. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18119. I. S. No. 15796-v. S. No. E-4619.)

On November 28, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 bags of walnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Rosenberg Bros. & Co., from San Francisco, Calif., on or about October 30, 1922, and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11988. Misbranding of Tubbs white pine cough cure, Tubbs' Bilious Man's Friend, and Tubbs' condition powder. U. S. v. 36 Bottles, et al., of Tubbs' White Pine Cough Cure, 14 Bottles, et al., of Tubbs' Bilious Man's Friend, and 11 Packages, et al., of Tubbs' Condition Powder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16141 to 16149, incl., 16153, 16154, 16155, 16163, 16167 to 16172, incl., 16180, 16181, 16262 to 16267, incl., 16271, 16272, 16281 to 16291, incl. S. Nos. C-3540 to C-3551, incl., C-3554, C-3563, C-3565 to C-3569, incl., C-3585, C-3586, C-3590, C-3591, C-3592, C-3594 to C-3610, incl.)

On April 28 and 29 and May 1, 2, 4, 5, 9, and 12, 1922, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 764 bottles of Tubbs white pine cough cure, 173 bottles of Tubbs' Bilious Man's Friend, and 67 packages of Tubbs' condition powder, remaining in the original unbroken packages in various lots at Brainerd, Cyphers, Hackensack, Anoka, Cloquet, Munger, Lengby, Mahtowa, St. Paul, Duluth, Princeton, Stillwater, Atkinson, Kettle River, Sturgeon Lake, Deer Wood, White Earth, Philbrook, New York Mills, Randall, Lawler, Iverson, McGregor, Automba, Duquette, Bruno, and Kerrick, Minn., respectively, alleging that the articles had been shipped by the Tubbs Medicine Co., from River Falls, Wis., between the dates of July 10, 1919, and April 8, 1922, and transported from the State of Wisconsin into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that Tubbs white pine cough cure contained chloroform, tar, extracts of plant drugs, including barks, sugar, alcohol, and water, that Tubbs' Bilious Man's Friend contained extracts of plant drugs, including laxative drugs, sugar, alcohol, water, and peppermint oil, and that Tubbs' condition powder contained sulphur, sodium chloride, iron sulphate, sodium bicarbonate, potassium nitrate, charcoal, nux vomica, and oil cake.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing in the labeling of the respective articles, regarding the curative and therapeutic effects thereof, were

false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (White pine cough cure) (bottle) "For * * * Croup, Whooping Cough & Relief in Consumptive Cases. * * * Take one teaspoonful every 30 minutes till relief is certain. Larger doses do not hasten a cure;" (Bilious Man's Friend) (cartons, all consignments, in English) "The Blood Medicine * * * For Liver And Kidney Troubles, Rheumatism, Backache * * * Indigestion And Sick Headache, Heartburn, Colds With Feverish Conditions * * * For relieving congested condition of the system. Stomach Troubles, Backache, Kidney Complaints, Severe Colds * * * Sick Headache, Overheated Conditions from over work or sun exposure, Loss of Appetite. Prevents Chills * * * In cases of La Grippe * * * A pain in the digestive organs calls for Tubbs' Bilious Man's Friend," (cartons, all consignments, in foreign languages) "For relieving a congested condition of the system, Stomach Disorders, Pains in the Back, Derangements of the Kidneys, Severe Colds * * * Headache, Overheated Conditions resulting from fatigue or exposure to the sun, Loss of appetite. Prevents chills * * * In case of 'Grippe,'" (bottle label of portion of consignments) "The Blood Medicine For Stomach Troubles, Backache, Kidney Complaints, Severe Colds, Biliousness * * * Sick Headache, Overheated Conditions from Over-work or Sun Exposure, Loss of Appetite, Rheumatism Prevents Chills," (bottle label of remainder of consignments) "The Blood Medicine For * * * Liver and Kidney Troubles, Rheumatism, Backache, Severe Colds * * * Indigestion, Sick Headache, Heartburn," (circular in portion of consignments, "Descriptive List Of Tubbs Medicines") "For Stomach Troubles, Backache, Kidney Complaints, Severe Colds * * * Sick Headache, Yellow Jaundice, Nervous Disorders, Overheated Condition from over-work or sun exposure, Loss of Appetite, Rheumatism, Scurvy, Worms and Piles. Prevents Chills * * * In case of La Grippe * * * For Rheumatism * * * It has cured many others. Why not you;" (condition powder) "It is an invaluable remedy for * * * Distemper * * * Mange, Coughs * * * Boils, Pink Eye, Epizootic * * * For Horses * * * For * * * Coughs, Distemper * * * Heaves, Influenza * * * Distemper and Epizootic readily overcome by using a tablespoonful three times a day. * * * prevents * * * heaves * * * For Cows * * * To prevent garget, milk-fever * * * For Calves * * * prevent scours * * * For Hogs To prevent cholera * * * For Poultry Cholera, Roup, Gapes." Misbranding was alleged with respect to a portion of the Bilious Man's Friend for the further reason that the statement, "Alcohol 20%," appearing on the bottle label, was false and misleading and deceived and misled the purchaser.

On May 16, September 14, September 15, and November 5, 1923, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11989. Adulteration of butter. U. S. v. 290 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17593. I. S. No. 4198-v. S. No. C-4049.)

On July 2, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 290 tubs of butter, at Jersey City, N. J., alleging that the article had been shipped by Swift & Co., from Atlantic, Iowa, on or about June 18, 1923, to Chicago, Ill., and reshipped by said Swift & Co., on or about June 21, 1923, and that it had been transported in interstate commerce from the State of Iowa into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in milk fat and high in moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in whole or in part abstracted.

On November 10, 1923, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation

and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,000, in conformity with section 10 of the act, conditioned in part that it be manufactured into oleomargarine under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11990. Adulteration of chestnuts. U. S. v. 6 Sacks of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18029. I. S. No. 2886-v. S. No. E-4588.)

On November 19, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 sacks of chestnuts, at Philadelphia, Pa., consigned by P. L. Robertson, Montebello, Va., alleging that the article had been shipped from Montebello, Va., on or about October 18, 1923, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 8, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11991. Adulteration of sardines. U. S. v. 15 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17849. I. S. No. 1939-v. S. No. E-4503.)

On October 9, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of sardines, at Salem, Mass., alleging that the article had been shipped by the Columbian Canning Co., from Lubec, Me., on or about June 20, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Champion Brand * * * Sardines In Cotton Seed Oil * * * Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine * * * Net Weight 3 1/4 Ozs."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11992. Adulteration of chestnuts. U. S. v. 13 Sacks of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18028. I. S. No. 2887-v. S. No. E-4589.)

On November 19, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 sacks of chestnuts, remaining in the original unbroken packages at Philadelphia, Pa., consigned by H. H. McNemar, Petersburg, W. Va., alleging that the article had been shipped from Petersburg, W. Va., on or about October 19, 1923, and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On December 8, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11993. Adulteration of walnuts. U. S. v. 27 Bags and 100 Bags of Walnuts. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18139, 18141. I. S. Nos. 12603-v, 12604-v. S. Nos. E-4630, E-4631.)

On December 6 and 7, 1923, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 127 bags of walnuts, at Baltimore, Md., alleging that the article had been shipped by A. H. Ringk & Co., Inc., New York, N. Y., on or about November 5, 1923, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 14, 1923, Woodland & Co. and the G. Fava Fruit Co., of Baltimore, Md., having appeared as claimants for respective portions of the product, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,050, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11994. Adulteration and misbranding of soda water flavors. U. S. v. 19 Jugs of Soda Water Flavor No. 1 and 19 Jugs of Soda Water Flavor No. 2. Product released under bond to be relabeled. (F. & D. No. 17994. I. S. Nos. 1389-v, 1390-v. S. No. E-4570.)

On or about November 9, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 jugs of soda water flavor No. 1 and 19 jugs of soda water flavor No. 2, alleging that the article had been shipped by the Good-Grape Co., from Chattanooga, Tenn., on or about October 4, 1923, and transported from the State of Tennessee into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled as follows: (Carton containing two jugs of No. 1 and two jugs of No. 2) "4-1 Gal. Glass Jugs Soda Water Flavor From The Good-Grape Co. Chattanooga, Tenn.;" (sticker label on carton) "Good-Grape * * * 'Fruit Of The Vine' * * * From The Good-Grape Company * * * Chattanooga, Tenn.;" (individual bottle label of No. 1) "Number 1 The Good-Grape Company Chattanooga, Tenn. * * * (Artificially Colored) * * * Grape Jack;" (individual bottle label of No. 2) "Number 2 The Good-Grape Company Chattanooga, Tenn. * * * (Artificially Colored) * * * Cap'n Grapejack."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, an imitation grape flavor, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for grape flavor, which the article purported to be. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing on the cartons and bottles containing the article, regarding the said article and the ingredients and substances contained therein, to wit, (carton) "Good-Grape Co.," (sticker on carton) "Good-Grape * * * 'Fruit Of The Vine' * * * Good-Grape Company," (bottle, No. 1) "Good-Grape * * * Grape Jack," (bottle, No. 2) "Good-Grape * * * Cap'n Grapejack," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On November 28, 1923, the Good-Grape Co., Chattanooga, Tenn., having appeared as claimant for the property and having filed an answer admitting the facts of the libel, an order of the court was entered providing for the release of the product to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11995. Adulteration of canned fruits. U. S. v. 111 Cases of Canned Fruits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18122. I. S. No. 1962-v. S. No. E-4621.)

On November 28, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 111 cases of canned fruits, at Boston, Mass., alleging that the articles had been shipped by the Milliken-Tomlinson Co., Portland, Me., on or about November 20, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. Some of the articles were unlabeled. The rest were labeled variously: "Superba Brand Fancy Loganberries Milliken-Tomlinson Co., Distributors, Portland, Maine;" "Superba Brand Plum Preserves Milliken-Tomlinson Co., Distributors, Portland, Maine;" "Ruperts Preserved Fruits Pure Cranberry Preserves A. Rupert Company, Inc., Portland, Oregon, U. S. A."

Adulteration of the articles was alleged in the libel for the reason that they consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 4, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11996. Misbranding of Foley kidney pills. U. S. v. 12 Dozen, et al., Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18040. I. S. Nos. 2796-v, 2797-v. S. No. E-4583.)

On November 14, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 dozen bottles of Foley kidney pills, at Philadelphia, Pa., consigned by Foley & Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about October 31, 1923, and transported from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources, including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the label and circular contained the following statements regarding the curative or therapeutic effects of the said article, (bottle, carton, and circular) "Kidney Pills For Irritation [circular, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "kidneys * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * *. 2nd—The Bowels must be kept active * * *. 3rd—The diet is of great importance," which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect from the said statements, and which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On December 6, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11997. Misbranding and alleged adulteration of jellies. U. S. v. 10 Cases of Apple and Grape Jelly, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17541, 17542. I. S. Nos. 2148-v, 2149-v, 2060-v, 2061-v. S. Nos. E-4399, E-4401.)

On or about May 23 and 24, 1923, respectively, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 244 cases of jellies, remaining in the original unbroken packages in part at Buffalo and in part at

Jamestown, N. Y., consigned by the West Penn Vinegar Co., Pittsburgh, Pa., alleging that the articles had been shipped from Pittsburgh, Pa., in part on or about March 10 and in part on or about April 2, 1923, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part: "Purity Brand High Grade * * * Apple & Raspberry" (or "Apple Currant" or "Apple & Currant" or "Apple & Grape") "Jelly West Penn Vinegar Co. * * * Contents 7 Oz."

Adulteration of the articles was alleged in the libels for the reason that colored pectin jelly had been packed with and substituted wholly or in part for the said articles, and for the further reason that the articles had been colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements on the packages containing the respective articles, "High Grade * * * Apple & Grape Jelly," "High Grade * * * Apple & Currant Jelly," "High Grade * * * Apple Currant Jelly," and "High Grade * * * Apple & Raspberry Jelly," as the case might be, were false and misleading and deceived and misled the purchasers. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to the greater portion of the articles for the reason that they were [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 5, 1923, the various libels having become consolidated into one case and the West Penn Vinegar Co., Pittsburgh, Pa., having appeared as claimant for the property and consented to the entry of a decree, judgment of the court was entered finding the products to be misbranded and subject to condemnation, and it was ordered by the court that they be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that if the articles should be repacked or relabeled it be done under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11998. Adulteration of shell eggs. U. S. v. 420 Cases of Eggs. Product released under bond to be candled. (F. & D. No. 17853. I. S. No. 17830-v. S. No. C-4114.)

On or about August 23, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 420 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by the Reliable Poultry & Egg Co., Norfolk, Nebr., July 25, 1923, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On November 8, 1923, Harry H. Redfearn & Co., Chicago, Ill., having appeared as claimant for the property, an order of the court was entered providing for the release of the product to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion retained by the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11999. Adulteration of canned salmon. U. S. v. 482 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17889. I. S. No. 8435-v. S. No. W-1429.)

On November 1, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 482 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Alaska Salmon Co., from Kvichak, Alaska, alleging that the article had been shipped on or about September 17, 1923, from Kvichak, Alaska, and transported from the

Territory of Alaska into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 28, 1923, the Alaska Salmon Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,500, in conformity with section 10 of the act, conditioned in part that the product be made to conform to the law under the supervision and to the satisfaction of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12000. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Product ordered candled. Good portion released under bond and bad portion destroyed. (F. & D. No. 17820. I. S. No. 17828-v. S. No. C-4100.)

On August 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by the Norris Poultry & Egg Co., from St. Joe, Iowa [St. Joseph, Mo.], July 27, 1923, and transported from the State of Iowa [Missouri] into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On September 8, 1923, Harry H. Field & Co. having appeared as claimant for the property, an order of the court was entered providing that the product be candled under the supervision of this department, that the good portion be released to the claimant upon the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, that the bad portion be destroyed, and that the said claimant pay the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

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| Graves, J. G..... | 11244 | Gifford Farm Club..... | 11858 |
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| Lynard, Constantinos..... | 11241 | Green & Thomason..... | 11573 |
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| Orme, W. H..... | 11229 | Harrison Mercantile Co..... | 11943 |
| Robinson, J. A..... | 11249 | Hastings Poultry Co..... | 11189 |
| St. Louis Dairy Co..... | *11430 | Holstein Cooperative Creamery Co..... | 11739 |
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| Simpson, S. W..... | 11280 | Houglan & Miller..... | 11829 |
| Smith, Enrico..... | 11250 | Jackson, Tom..... | 11588 |
| Stathis, George..... | 11240 | Jarrell Bros..... | 11554 |
| Thomas, Gus..... | 11245 | Judson Creamery & Produce Co..... | 11524 |
| Thompson, A. L..... | 11223 | Keeney, W. E..... | 11414 |
| Wise, R. A..... | 11222 | Kelly, A. M..... | 11595 |
| Zagos, Andrew..... | 11248 | Kerviser, I. M..... | 11236 |
| Zimmerman, T. E..... | 11225 | Larson & Weiner..... | 11858 |
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| Co..... | 11735 | Missouri Egg & Poultry Co..... | 11366 |
| evaporated: | | Naponee Equity Exchange..... | 11108 |
| Burt-Zaiser Co..... | 11666 | Norris Poultry & Egg Co..... | 11446, 12000 |
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| Dates: | | RobINETTE Produce Co..... | 11596 |
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| Roushakes, George..... | 11270 | Russell, T. E..... | 11128 |
| Strauss, James..... | 11270 | Sentinel Poultry & Egg Co..... | 11484 |
| Egg yolk: | | Silberman, Joseph..... | 11506 |
| Olivier & Cie..... | 11483 | Silver, J. A., & Co..... | 11019 |
| Eggno: | | Smith, Allen..... | 11084 |
| Newton Tea & Spice Co..... | *11711 | Spencer Bros..... | 11571 |
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| Wood, T. B. | 11160 | Greenville Cotton Oil Mill | 11845 |
| Wynot Cash Store | 11097 | Hayes Grain & Commission Co. | 11431 |
| Younkin, E. F. | 11129 | Humphreys-Godwin Co. | 11458, 11708 |
| dried: | | Kershaw Oil Mill | 11122 |
| Olivier & Cie. | 11791 | Lovitt, J. B., & Co. | 11927 |
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| American Egg & Products Co. | 11559 | Planters Oil Co. | 11027, 11410, 11820 |
| Anker, Philip | 11377 | Refuge Cotton Oil Co. | 11080 |
| Bellman Produce Co. | 11219 | Riverside Cotton Oil Co. | 11660 |
| Eastern States Refrigerating Co. | 11635 | Southern Cotton Oil Co. | 11920 |
| Hanford Produce Co. | 11398, 11698 | Swift & Co. | 11082 |
| Hastings Poultry Co. | 11516 | Tallahul Cotton Oil Co. | 11071, 11143 |
| Ogden, W. L., & Co. | 11328 | United Oil Mills | 11569 |
| Westcott & Winks | 11359 | flax screenings: | |
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| Extract, cherry: | | meat scraps: | |
| Caro Flavoring Co. | 11435, 11508 | Darling & Co. | 11200 |
| grape: | | Economy Poultry Supply Co. | 11947 |
| Caro Flavoring Co. | 11435 | Swift & Co. | 11291 |
| Good-Grape Co. | 11994 | Wilson & Co. | 11470 |
| Southern Beverage Co. | 11799 | mixed: | |
| lemon: | | Alfocorn Milling Co. | 11310, 11315 |
| Hallifax Bros. Co. | 11299 | Arkadelphia Milling Co. | 11922 |
| Leading Perfumers & Chemists | 11505 | Hales & Hunter Co. | 11941 |
| Lexington Wholesale Drug Co. | 11021, | Milam-Morgan Co. | 11051, 11081, 11946 |
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| Ric-O Extract Co. | 11775 | Prairie State Milling Co. | 11432 |
| Yerkes Chemical Co. | 11742 | Quaker Oats Co. | 11699 |
| orange: | | Tutt, J. B., Grain Co. | 11642 |
| Leading Perfumers & Chemists | 11505 | molasses: | |
| pineapple: | | Best-Clymer Mfg. Co. | 11420 |
| Caro Flavoring Co. | 11435 | Milam-Morgan Co. | 11081, 11946 |
| raspberry: | | Mississippi Elevator Co. | 11439 |
| Caro Flavoring Co. | 11508 | National Milling Co. | 11940 |
| Leading Perfumers & Chemists | 11505 | oats: | |
| strawberry: | | Callahan & Sons | 11682 |
| Caro Flavoring Co. | 11435, 11508 | Kempner, Adolph, Co. | 11110 |
| Leading Perfumers & Chemists | 11505 | pea and barley: | |
| vanilla: | | Mueller, E. P. | 11441 |
| Hallifax Bros. Co. | 11299 | screenings: | |
| Lexington Wholesale Drug Co. | 11021, | Armour Grain Co. | 11918 |
| 11092, 11113 | | shorts: | |
| Ric-O Extract Co. | 11775 | Babcock, C. A., Co. | 11455 |
| Yerkes Chemical Co. | 11742 | General Commission Co. | 11854 |
| Feed, alfalfa: | | Schreiber Flour & Cereal Co. | 11622 |
| Prairie State Milling Co. | 11432 | Sutherland Flour Mills Co. | 11382, 11862 |
| barley: | | and screenings: | |
| Albers Bros. Milling Co. | 11422 | Schreiber Flour & Cereal Co. | 11218 |
| Menomonie Milling Co. | 11567 | tankage: | |
| San Francisco Milling Co. | 11952 | | 11146 |
| and flax: | | Butler, E. J., Co. | 11374 |
| Mueller, E. P. | 11441 | Darling & Co. | 11210 |
| bran: | | Decker, J. E., & Sons | 11895 |
| Rosenbaum Bros. | 11521 | Frith's Union Slaughter House | 11670 |
| corn and oat: | | Motts, H. E., Co. | 11794 |
| Prairie State Milling Co. | 11432 | Rogers By-Products Co. | 11796 |
| cottonseed: | | Rogers Grain Products Co. | 11983 |
| Buckeye Cotton Oil Co. | 11984 | Swift & Co. | 11858 |
| Planters Oil Co. | 11410, 11820 | Fig jam. See Jam. | |
| Southern Cotton Oil Co. | 11653 | Figs: | |
| cottonseed meal: | | Porter, D. H., & Son | 11604 |
| American Cotton Oil Co. | 11022 | Roushakes, George | 11270 |
| Buckeye Cotton Oil Co. | 11905, 11926 | Strauss, James | 11270 |
| Central Oil & Fertilizer Co. | 11884, 11980 | Filberts. See Nuts. | |
| Eastern Cotton Oil Co. | 11327, 11427 | | |

| Fish: | N. J. No. | Flour—Continued | N. J. No. |
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| kippered: | | Salt Lake & Jordan Mill & Elevator Co. | 11177 |
| Tallant-Grant Packing Co..... | 11706 | Fruit, canned: | |
| cod: | | Milliken-Tomlinson Co..... | 11995 |
| Treat, L. A..... | 11577 | Fruit powders: | |
| herring: | | Yerkes Chemical Co..... | 11742 |
| Booth, F. E., Co..... | 11383 | Gelatin: | |
| Chape, I. R..... | 11002 | Jahn, W. K., Co..... | 11500 |
| Jones Bros..... | 11002 | Sullivan Glue Co..... | 11292 |
| salmon: | | Gherkins: | |
| A. & P. Products Corp..... | 11355 | California Packing Corp..... | 11275 |
| Alaska Salmon Co..... | 11999 | Ginger. See Spices and condiments. | |
| Beatty, W. R., & Co..... | 11792 | Grape concentrate: | |
| Bellingham Canning Co..... | 11935 | Tropical Fruit Juice Co..... | 11335 |
| Cannery of Alaska Herring & Sardine | | crystals: | |
| Co..... | *11442 | Nethery, W. B..... | 11587 |
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| Estus, W. A..... | 11714 | extract. See Extract. | |
| Griffith-Durney Co..... | 11428 | flavor. See Extract. | |
| Hall, G. B., Co..... | 11437, 11930 | jam. See Jam. | |
| Harris, P. E., & Co..... | 11178, | jelly. See Jelly. | |
| | 11586, 11893, 11915, 11934 | sirup. See Sirup. | |
| Hidden Inlet Canning Co. | 11906, 11971, 11976 | Smack: | |
| Kelley-Clarke Co..... | 11447 | Smack Co..... | 11619 |
| Kenai Packing Co..... | 11072 | Grapefruit: | |
| Lowman Co..... | 11285 | Armstrong, F. C..... | 11889, 11908 |
| Marathon Fishing & Packing Co..... | 11467 | Candelaria Packing House..... | 11039 |
| Megler, J. G., & Co..... | 11647, 11704, 11808 | Grapes: | |
| Seaboard Co..... | 11474, *11860, 11894 | Brainard, C. I., Co..... | 11131 |
| Shields, J. E..... | 11497 | California Growers & Shippers..... | 11381 |
| Southern Alaska Canning Co..... | 11707 | dried: | |
| Tallant-Grant Packing Co..... | 11706 | Da Roza-Doherty Co..... | 11959 |
| Swanson, C. O..... | 11459 | Grapico: | |
| Warren Packing Co..... | 11456, 11615, 11627 | Grossman's, J., Sons..... | 11605 |
| Warrenton Clam Co..... | 11963 | Ham. See Meat. | |
| sardines: | | Hay: | |
| Columbian Canning Co..... | 11738, 11838, | North Bros..... | 11700 |
| | 11856, 11899, 11919, 11950, 11973, 11979, 11991 | Herring. See Fish. | |
| Flint & Co..... | 11849 | Honey Boy cordial: | |
| Ramsdell Packing Co..... | 11803 | Honey Boy Cordial Co..... | 11344 |
| tuna: | | Horse-radish mustard. See Spices and condi- | |
| Curtis Corp..... | 11460 | ments. | |
| Kingsbury-Haynes Brokerage Co..... | 11290 | Jam, blackberry: | |
| Flavor. See Extract. | | Goodwin Preserving Co..... | 11981 |
| Flax. See Feed. | | Sanitary Food Mfg. Co..... | 11528 |
| Flour: | | Van Lill, S. J., Co..... | 11406, 11851 |
| Anthony Mills..... | 11036 | damson: | |
| Cascade Milling & Elevator Co..... | 11163 | Van Lill, S. J., Co..... | 11406, 11851 |
| Crown Mills..... | 11806 | fig: | |
| Crowther Bros..... | 11158 | Caravan Products Co..... | 11207 |
| Ellison Milling & Elevator Co..... | 11720 | grape: | |
| Garland Milling Co..... | 11478 | Schühle's Pure Grape Juice Co..... | 11284 |
| General Commission Co..... | 11857 | loganberry: | |
| Hustler Flour Mills..... | 11898 | Sanitary Food Mfg. Co..... | 11528 |
| Jennison Mills Co..... | 11164 | peach: | |
| Judith Milling Co..... | 11139 | Sanitary Food Mfg. Co..... | 11528 |
| Kalispell Flour Mill Co..... | 11066 | Van Lill, S. J., Co..... | 11406, 11851 |
| Kansas Milling Co..... | 11318 | pineapple: | |
| Liggett, Clyde..... | 11238 | Sanitary Food Mfg. Co..... | 11528 |
| Miller, M. P., Milling Co..... | 11933 | Van Lill, S. J., Co..... | 11406, 11851 |
| Montana Flour Mills Co..... | 11087, 11138, 11721 | plum: | |
| Moses Bros. Mills..... | 11944 | Sanitary Food Mfg. Co..... | 11528 |
| Plains Montana Mills..... | 11047 | raspberry: | |
| Richardton Milling Co..... | 11127 | Goodwin Preserving Co..... | 11981 |
| Robinson Milling Co..... | 11349 | Sanitary Food Mfg. Co..... | 11528 |
| Rose City Flour Mills..... | 11007 | Temtor Corn & Fruit Products Co..... | 11363 |

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| Temtor Corn & Fruit Products Co..... | 11363 | | Co..... | 11388 | |
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| Bliss Syrup Refining Co..... | 11436 | | strawberry: | | |
| Chapman & Smith Co..... | 11388 | | Kellogg Mfg. Co..... | 11367 | |
| Corn Products Refining Co..... | 11758, 11798 | | Lakeside Preserving Co..... | 11363, 11718 | |
| Lakeside Preserving Co..... | 11363, 11718 | | Libby, McNeill & Libby..... | 11479 | |
| Libby, McNeill & Libby..... | 11479 | | Red Wing Co..... | 11866 | |
| Temtor Corn & Fruit Products Co..... | 11363, 11677 | | Sanitary Food Mfg. Co..... | 11518 | |
| Universal Carloading & Distributing | | | Seavey-Flarsheim..... | 11529 | |
| Co..... | 11388 | | Shenandoah Valley Apple Cider & | | |
| blackberry: | | | Vinegar Co..... | 11486 | |
| Goodwin Preserving Co..... | 11981 | | Temtor Corn & Fruit Products Co..... | 11363 | |
| Kellogg Mfg. Co..... | 11367 | | Lemon extract. See Extract. | | |
| Lakeside Preserving Co..... | 11363 | | flavor. See Extract. | | |
| Sanitary Food Mfg. Co..... | 11528 | | oil. See Oil. | | |
| Shenandoah Valley Apple Cider & | | | Lemonade sirup. See Sirup. | | |
| Vinegar Co..... | 11486 | | Loganberries, canned: | | |
| Temtor Corn & Fruit Products Co..... | 11363 | | Baker, H. A..... | 11949 | |
| cherry: | | | Milliken-Tomlinson Co..... | 11995 | |
| Kellogg Mfg. Co..... | 11367 | | Loganberry jam. See Jam. | | |
| Shenandoah Valley Apple Cider & | | | jelly. See Jelly. | | |
| Vinegar Co..... | 11486 | | preserves. See Preserves. | | |
| crabapple: | | | Macaroni. See Alimentary paste. | | |
| Goodwin Preserving Co..... | 11981 | | Mace. See Spices and condiments. | | |
| Lakeside Preserving Co..... | 11718 | | Maple sirup. See Sirup. | | |
| currant: | | | Marshmallow powder: | | |
| Bliss Syrup Refining Co..... | 11436 | | Jahn, W. K., Co..... | 11500 | |
| Goodwin Preserving Co..... | 11981 | | Mayonnaise dressing: | | |
| Kellogg Mfg. Co..... | 11367 | | Duke Mayonnaise Co..... | 11286 | |
| Lakeside Preserving Co..... | 11718 | | Meat: | | |
| Libby, McNeill & Libby..... | 11479 | | Andres, J. W..... | 11271 | |
| Red Wing Co..... | 11866 | | Naiman, Sam..... | 11262 | |
| Sanitary Food Mfg. Co..... | 11518 | | Sherby, Harry..... | 11261, 11267 | |
| Seavey-Flarsheim..... | 11529 | | Siegle, Joseph..... | 11269 | |
| West Penn Vinegar Co..... | 11997 | | Troshinsky, Isadore..... | 11226 | |
| grape: | | | Troskinsky, Isreal..... | 11259 | |
| Goodwin Preserving Co..... | 11981 | | Wheelock, Alphonso..... | 11263 | |
| Kellogg Mfg. Co..... | 11367 | | potted: | | |
| Lakeside Preserving Co..... | 11363, 11718 | | Cudahy Packing Co..... | 11134 | |
| Red Wing Co..... | 11866 | | smoked: | | |
| Sanitary Food Mfg. Co..... | 11518 | | Lawson, A. B..... | 11268 | |
| Seavey-Flarsheim..... | 11529 | | bacon: | | |
| Temtor Corn & Fruit Products Co..... | 11363, 11677 | | Okum, Samuel..... | 11258 | |
| West Penn Vinegar Co..... | 11997 | | beef: | | |
| loganberry: | | | Okum, Samuel..... | 11258 | |
| Kellogg Mfg. Co..... | 11367 | | Ostrow, Edward..... | 11227 | |
| Sanitary Food Mfg. Co..... | 11528 | | Otis, Dennis..... | 11224 | |
| plum: | | | Passtras, George..... | 11224 | |
| Lakeside Preserving Co..... | 11363 | | ham: | | |
| Temtor Corn & Fruit Products Co..... | 11363, 11677 | | Berman, S. L..... | 11260 | |
| raspberry: | | | Goldstein, Aaron..... | 11254 | |
| Bliss Syrup Refining Co..... | 11436 | | Herzog, Otto..... | 11264 | |
| Chapman & Smith Co..... | 11388 | | pork: | | |
| Goodwin Preserving Co..... | 11981 | | Diehm Grocer Co..... | 11493 | |
| Kellogg Mfg. Co..... | 11367 | | Okum, Samuel..... | 11258 | |
| Lakeside Preserving Co..... | 11363, 11718 | | sausage: | | |
| Libby, McNeill & Libby..... | 11479 | | Independent Packing Co..... | 11804 | |
| Red Wing Co..... | 11866 | | Thomas Canning Co..... | 11578 | |
| Sanitary Food Mfg. Co..... | 11518 | | spareribs: | | |
| Seavey-Flarsheim..... | 11529 | | Okum, Samuel..... | 11266 | |
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| Vinegar Co..... | 11486 | | Milk. See Dairy products. | | |
| | | | Mixed feed. See Feed. | | |

| Molasses: | N. J. No. |
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| Mustard. <i>See</i> Spices and condiments. | |
| Noodles. <i>See</i> Alimentary paste. | |
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| almonds: | |
| Camp, W. A., & Co..... | 11278 |
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| Conduff, S. G., & Son..... | 11974 |
| McNemar, H. H..... | 11992 |
| Robertson, P. L..... | 11990 |
| Shartzler, John..... | 11975 |
| filberts: | |
| Camp, W. A., & Co..... | 11352 |
| walnuts: | |
| Central Cold Storage Co..... | 11289 |
| China Mail Steamship Co..... | 11208 |
| Discher, C. E., & Co..... | 11778 |
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| Oats. <i>See</i> Feed. | |
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| Campas & Co..... | 11600 |
| Caserta Importing Co..... | 11568 |
| Cooknut Corp..... | 11499 |
| Courumalis & Co..... | 11316 |
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| Messina Importing Co..... | 11746 |
| Southern Importing Co..... | 11579 |
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| Schaefer, Phil., & Sons..... | 11846 |
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| Aeolia Importing Co..... | 11833 |
| Alpha Importing Co..... | 11434 |
| Armenian Importing Co..... | 11603 |
| Bay Bee Oil Co..... | 11044, 11969 |
| Buonocore, C., & Son..... | 11124 |
| Campas & Co..... | 11600 |
| Capitol Refining Co..... | 11048, 11303 |
| Carrara, Vincent..... | 11033 |
| Caserta Importing Co..... | 11568 |
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| Deligiannis Bros..... | 11011, 11311, 11841, 11956 |
| Economou, N. P., & Theodos..... | 11354 |
| Gamanos & Booskos..... | 11723 |
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| Greco Importing Co..... | 11212 |
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| Joannidi, A., & Co..... | 11637 |
| Kakarakis Bros..... | 11961 |
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| Lekas & Drivas..... | 11314, 11507 |
| Littauer Oil Co..... | 11152, 11191 |
| Lyriotakis Bros..... | 11685 |
| Marmarelli Bros. & Katramados..... | 11928 |
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| Messina Importing Co..... | 11137, 11746 |
| Moustis & Cotsis..... | 11812 |
| Nasiacos Importing Co..... | 11957 |
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| Southern Importing Co..... | 11579 |
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| Tours, S. A..... | 11165 |
| Tripoli Importing Co..... | 11394 |
| Virgona & Co..... | 11512 |
| Youngstown Macaroni Co..... | 11511 |
| soya bean: | |
| Campas & Co..... | 11600 |
| vegetable: | |
| Capitol Refining Co..... | 11048, 11303 |
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| Wesson: | |
| Southern Cotton Oil Co..... | *11680 |
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| Olives: | |
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| Oranges: | |
| American Fruit Growers..... | 11055, 11489 |
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| California Fruit Growers Exchange..... | 11169 |
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| Gentile, Joseph, & Co..... | 11064 |
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| Evans, A. J..... | 11966 | Milliken-Tomlinson Co..... | 11995 |
| Hungerford & Evans..... | 11967 | Temtor Corn & Fruit Products Co..... | 11363 |
| Standard Growers Exchange..... | 11968 | raspberry: | |
| dried: | | Goodwin Preserving Co..... | 11981 |
| Okum, Samuel..... | 11266 | Lakeside Preserving Co..... | 11718 |
| Peanut butter: | | Seidel, A., & Sons..... | 11910 |
| Old Dominion Peanut Corp..... | 11462 | Temtor Corn & Fruit Products Co..... | 11363 |
| Pears: | | strawberry: | |
| Cohen, Mann & Kahn..... | 11054 | Goodwin Preserving Co..... | 11981 |
| Peas, canned: | | Lakeside Preserving Co..... | 11718 |
| Draper & Co..... | 11144 | Temtor Corn & Fruit Products Co..... | 11363 |
| Killian, W. H., Co..... | 11298 | Van Lill, S. J., Co..... | 11851 |
| Robinson, W. E., & Co..... | 11945 | Preserving powder: | |
| Pepper relish: | | Yerkes Chemical Co..... | 11742 |
| Chicago Food Products Co..... | 11684 | Prunes: | |
| Peppermints, chocolate. See Confectionery. | | | 11013 |
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| Adam Bros. Co..... | 11897 | | 11046, 11057 |
| California Conserving Co..... | 11323, 11613 | Okum, Samuel..... | 11266 |
| California Packing Corp.... | 11065, 11275, 11931 | Roushakes, George..... | 11270 |
| Pie filling: | | Strauss, James..... | 11270 |
| Jewel Tea Co..... | 11750 | Raspberries: | |
| Seidel, A., & Sons..... | 11910 | Stewart, Harvey..... | 11076 |
| Sherer-Gillett Co..... | *11450 | Raspberry emulsion. See Extract. | |
| Pineapple emulsion. See Extract. | | extract. See Extract. | |
| jam. See Jam. | | jam. See Jam. | |
| preserves. See Preserves. | | jelly. See Jelly. | |
| Plum jam. See Jam. | | preserves. See Preserves. | |
| jelly. See Jelly. | | sirup. See Sirup. | |
| preserves. See Preserves. | | Relish: | |
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| Phoenix Packing Co..... | 11526 | Michigan Tea Rusk Co..... | 11102 |
| Waldmeier Packing Co..... | 11636 | Thousand Island dressing: | |
| Sirup, cane and maple: | | Hosking, B. T., & Bro..... | 11156 |
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| grape: | | Michigan Tea Rusk Co..... | 11102 |
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| Meier, J. J., & Co..... | 11216 | Rizzo, Rosario..... | 11083 |
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| Crab Orchard mineral water: | | Foley & Co..... | 11996 |
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| Craemer's calculus corrective: | | Stearns-Hollinshead Co..... | 11380 |
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| Crane Medicine Co..... | 11372 | Giles' germicide: | |
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| McCullough Drug Co..... | 11331 | McGraw Remedy Co..... | 11059 |
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| Palestine Drug Co..... | 11023, 11274, 11332, 11783, 11800 | Hobo Medicine Mfg. Co..... | 11181 |
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| Rudy, Martin..... | 11342, 11520 | Hooper's female pills: | |
| United Medical Co..... | 11170 | American Synthetic Co..... | 11519, 11669 |
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| McGill, J. A., & Co..... | 11096, 11180, 11197, 11805 | Fougera, E., & Co..... | 11040 |
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| Krause's phosphorets: | | H. I. Co..... | 11502 |
| McCullough Drug Co..... | 11050 | Hancock Inoculum Co..... | 11341 |
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| Kuhn Remedy Co..... | 11480 | Winters, A. A..... | 11761 |
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| Locock's cough elixir: | | Allan-Pfeiffer Chemical Co..... | 11172, 11870 |
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| Combination Remedy Co..... | 11850 | Crane Medicine Co..... | 11372 |
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| Digestive Chemical Co. | 11541 | Hall, E. W. | 11130, 11391, 11490, 11501 |
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| Digestive Chemical Co. | 11541 | Palestine Drug Co. | 11023, 11332, 11783, 11800 |
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| Sethness Co. | 11370 | Ransom, D., Son & Co. | 11978 |
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| Edgerton Salt Brick Co. | 11052 | Tubbs Medicine Co. | 11988 |
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| Wyeth Chemical Co. | 11395, 11396, 11412 | Tubbs Medicine Co. | 11871, 11988 |
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| Kells Co. | 11393 | Tubbs Medicine Co. | 11871, 11988 |
| Spiegel, M., & Sons. | 11119, 11393 | Uterine tonic: | |
| San-Yak: | | Fisheropathic College Assoc. | 11402 |
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| Sarsaparilla compound: | | Palestine Drug Co. | 11332, 11800 |
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| Palestine Drug Co. | 11023, 11332, 11800 | Veronica Medicinal Springs Water Co. | 11336 |
| Sexual pills: | | Vital Sparks: | |
| Allan-Pfeiffer Chemical Co. | 11172, 11870 | Hollander-Koshland Co. | 11183 |
| Sanitary Products Co. | 11962 | Vitalitas: | |
| Star brand pills: | | Vital Remedies Co. | 11840 |
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| Capitol Food Co. | 11161 | H. & H. Water Co. | 11744 |
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| Syrup Leptinol: | | West Baden Springs Co. | 11620 |
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| Olympia Laboratory. | 11873 | Yerkes Chemical Co. | 11522, 11752 |
| Tar and quinine compound: | | | |
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